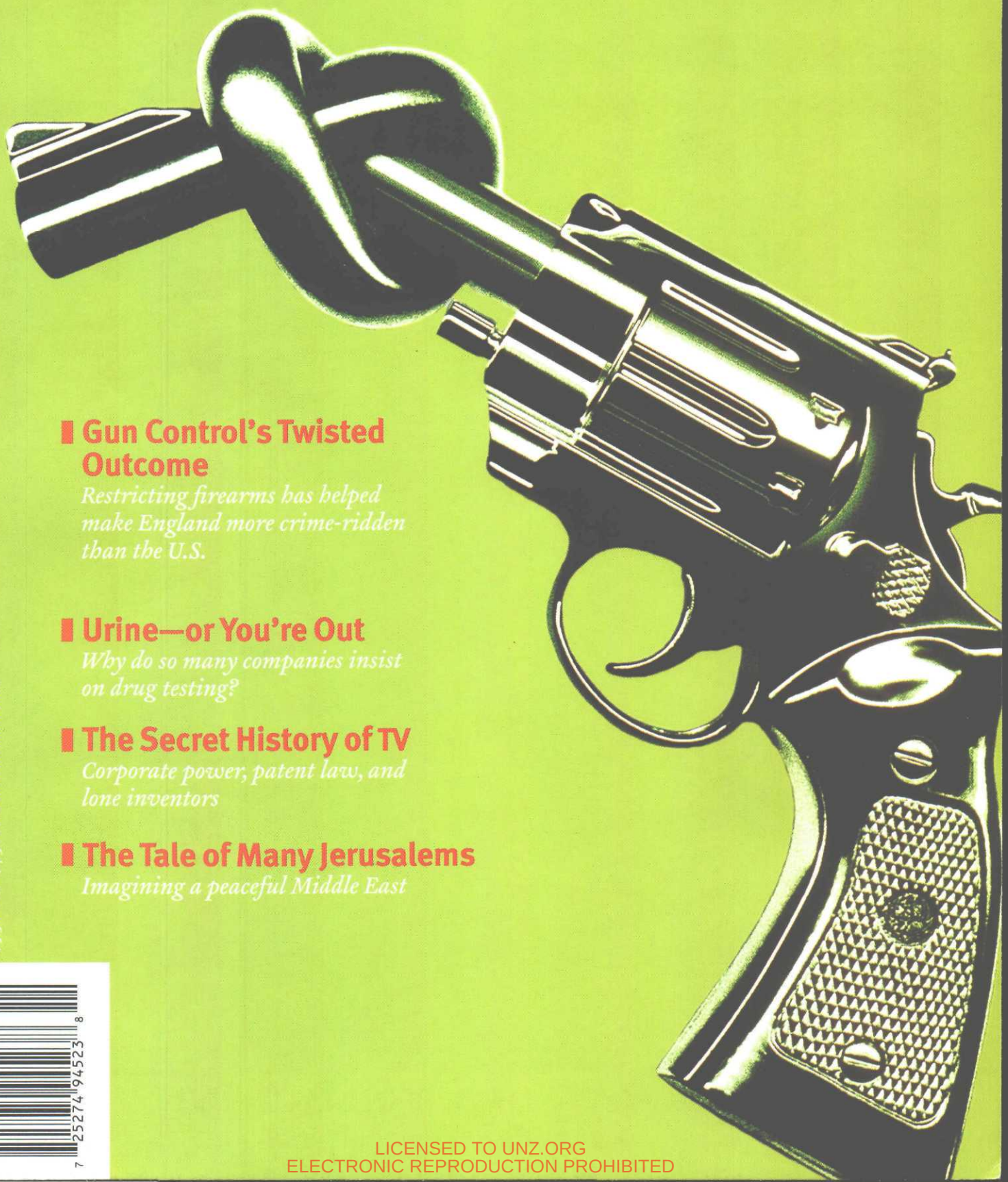
reason | 11.02
Free Minds and Free Markets



Gun Control's Twisted Outcome
Restricting firearms has helped make England more crime-ridden than the U.S.

Urine—or You're Out
Why do so many companies insist on drug testing?

The Secret History of TV
Corporate power, patent law, and lone inventors

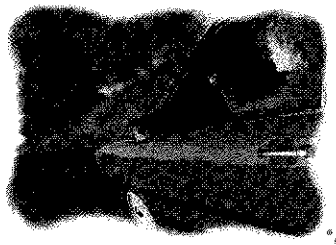
The Tale of Many Jerusalems
Imagining a peaceful Middle East

$3.50 U.S. $4.50 Canada November 2002

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

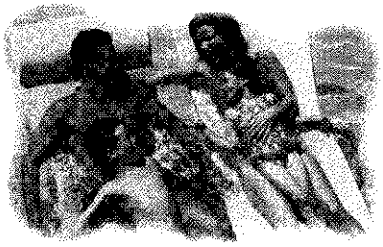
Quotesmith.com makes it fast and easy to find the lowest-priced insurance from the highest-rated companies

Instant Car Insurance Quotes



All in one place: instant quotes from leading companies make it easy to comparison shop.

Could you save 20% or more on car insurance? We've made it quick and easy to get instant car insurance quotes from leading insurers, all in one place.
Quotesmith.com is an ideal car insurance resource for drivers of every age.
At Quotesmith.com, we've even made it possible for you to point, click and buy online!



Popular with families: 10, 20 and 30 year term life insurance can give peace of mind.

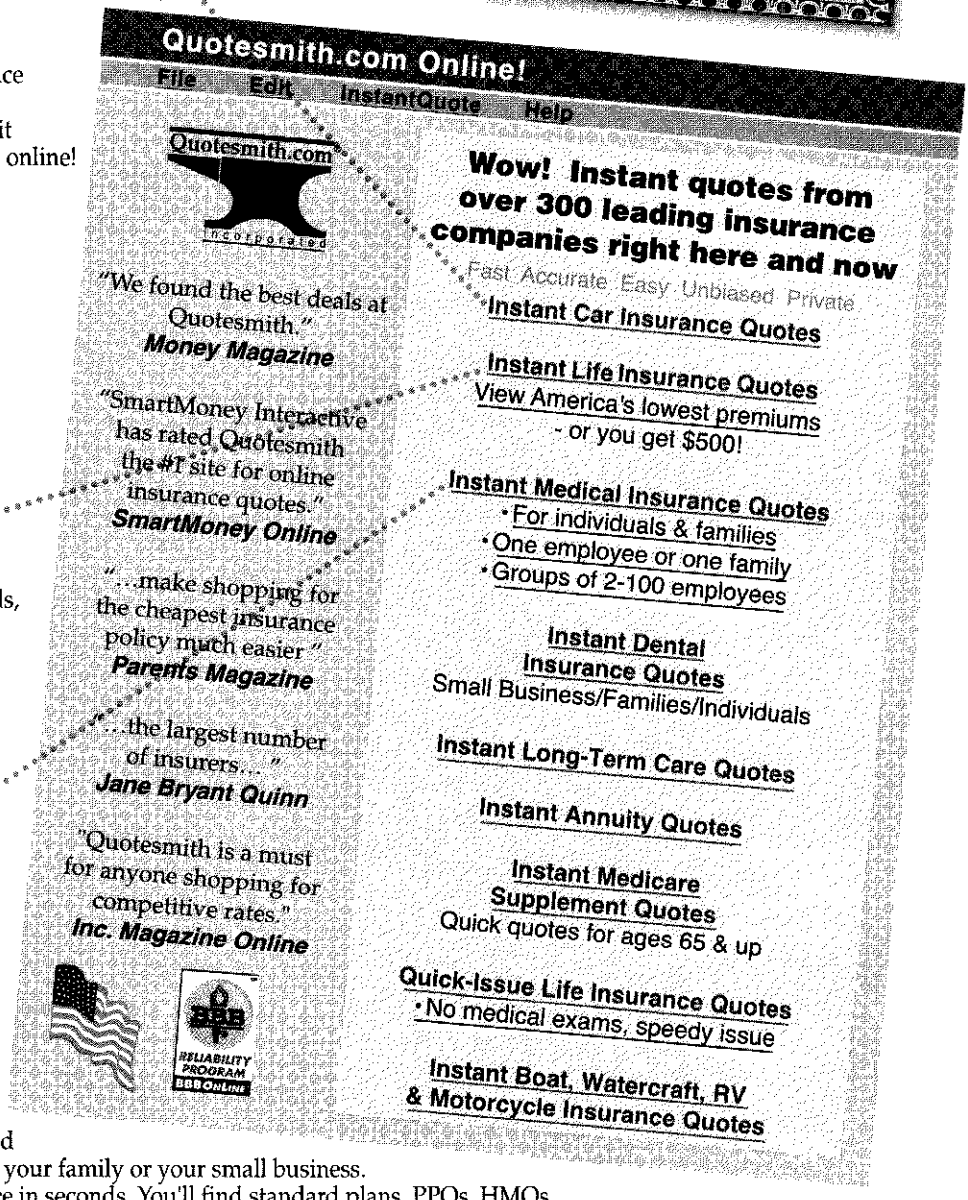
Instant Life Insurance Quotes

Pick a rate guarantee and go! In seconds, you'll view policies, coverages, independent ratings, underwriting guidelines and premiums – all conveniently sorted by lowest cost.

Quotesmith.com makes it easy to compare health plans, features and prices.

Instant Medical Insurance Quotes

Here is the quickest way possible to find health insurance coverage for yourself, your family or your small business.
Get instant quotes, scan the marketplace in seconds. You'll find standard plans, PPOs, HMOs, short term plans, dental plans and Medicare supplement plans all in one place at Quotesmith.com.
Participation by leading companies eliminates the hassle of buying medical insurance.


Quotesmith.com Online!
File Edit InstantQuote Help
Quotesmith.com
Incorporated
"We found the best deals at Quotesmith."
Money Magazine
"SmartMoney Interactive has rated Quotesmith the #1 site for online insurance quotes."
SmartMoney Online
"...make shopping for the cheapest insurance policy much easier."
Parents Magazine
"...the largest number of insurers..."
Jane Bryant Quinn
"Quotesmith is a must for anyone shopping for competitive rates."
Inc. Magazine Online
BBB RELIABILITY PROGRAM BBBOnLine
Wow! Instant quotes from over 300 leading insurance companies right here and now
Fast Accurate Easy Unbiased Private
Instant Car Insurance Quotes
Instant Life Insurance Quotes
View America's lowest premiums - or you get $500!
Instant Medical Insurance Quotes
• For individuals & families
• One employee or one family
• Groups of 2-100 employees
Instant Dental Insurance Quotes
Small Business/Families/Individuals
Instant Long-Term Care Quotes
Instant Annuity Quotes
Instant Medicare Supplement Quotes
Quick quotes for ages 65 & up
Quick-Issue Life Insurance Quotes
• No medical exams, speedy issue
Instant Boat, Watercraft, RV & Motorcycle Insurance Quotes

www.quotesmith.com

New! Quotes by phone 1-800-556-9393

AD CODE: REAS 11/02

ELECTRONIC REPRODUCTION PROHIBITED

reason | 11.02 Volume 34, No. 6

Departments

4 **Editor's Note** — Gun shy.

6 **Contributors**

7 **Letters** — SUV paradise and environmental hell, the anatomy of racial inequality...

10 **Citings** — Carnal cabarets, adoption and privacy, the politics of press credentials, taping Tipper Gore...

Columns

16 **Dad Blood** — If DNA tests prove that you're not your children's father, do you still owe child support? *Cathy Young*

18 **Rant: Roll Over, James Madison** — Where have all the federalists gone? *Jesse Walker*

19 **Confessions of a Serial President Hater** — Crooks, dolts, creeps—what's not to loathe? *Peter Bagge*

Features

20 **Gun Control's Twisted Outcome** — Restricting firearms has helped make England more crime-ridden than the U.S. *Joyce Lee Malcolm*

26 **The Tale of Many Jerusalems** — What would a peaceful Middle East look like? A fable about politics, culture, and commerce. *Charles Paul Freund*

36 **Urine—or You're Out** — Drug testing is invasive, insulting, and generally irrelevant to job performance. Why do so many companies insist on it? *Jacob Sullum*

Culture & Reviews

46 **Publishing's Feral Child** — Adam Parfrey sheds light on the dark sides of life. *Interviewed by Brian Doherty*

51 **Logocentrism** — You can trademark words, but not meaning. *Nick Gillespie*

53 **Pride and Prejudice** — The false choice between patriotism and skepticism. *Jacob Sullum*
Why We Fight: Moral Clarity and the War on Terrorism, by William J. Bennett
9-11, by Noam Chomsky

59 **Murder Most Foul** — To stop genocide, the U.S. must learn to distinguish between crises. *Charles Peña*
A Problem from Hell: America and the Age of Genocide, by Samantha Power

64 **The Secret History of Television** — Corporate power, patent law, and lone inventors. *Jesse Walker*

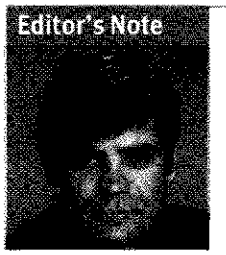
66 **Artifact: Great Stone Face** — Greece's colossal answer to Mt. Rushmore. *Charles Paul Freund*

Cover Photo: © Tim Bird/CORBIS

reason (ISSN 0048-6906) is published monthly except combined August/September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034-6064. Periodicals postage paid at Los Angeles, CA, and additional mailing offices. Copyright© 2002 by Reason Foundation. All rights reserved. Reproduction or use without permission, of editorial or graphic content is prohibited. reason and Free Minds and Free Markets are registered trademarks owned by the Reason Foundation. SUBSCRIPTIONS: $19.98 per year. Outside U.S. add $10/year surface, $55/year airmail. Address subscription correspondence to reason, P.O. Box 526, Mt. Morris, IL 61054, 815-734-1120. For address change (allow six weeks), provide old address and new address, including zip code. UNSOLICITED MANUSCRIPTS returned only if accompanied by SASE. INDEXED in Readers' Guide to Periodical Literature, InfoTrac, Historical Abstracts, Political Science Abstracts, America: History and Life, Book Review Index, and P.A.I.S. Bulletin. Available on microfilm from University Microfilms International, 300 North Zeeb Rd., Dept. P.R., Ann Arbor, MI 48106. Printed in the United States. POSTMASTER: Send address changes to reason, P.O. Box 526, Mt. Morris, IL 61054. Publications Mail Sales Agreement No. 1478690.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Editor's Note



Gun Shy

As the editor of a magazine that has long defended gun rights, I feel obliged to make an embarrassing confession: I've never squeezed the trigger on anything more powerful than a BB gun—and even that only a few times.

When I was 12 or 13, I had the opportunity to join a shooting club that practiced in a range set up in the basement of a nearby junior high school. (This was some 20 years before Columbine.) Excited at the prospect, I broached the subject one evening with my father. He had served as an infantryman in Europe during World War II, and I figured he'd share my enthusiasm to learn proper gun etiquette.

Instead, he became extremely agitated and upset. He stood up, pulled up his shirt, and placed my hand on five faded scars on the side of his stomach and his back. "Feel those?" he asked. "That's where I got shot in the war. That's what guns are good for—shooting and killing people." After that dramatic gesture, I decided not to join the club.

My father was right, of course, and he spoke with the authority of someone who had, as his discharge papers put it, "loaded, aimed, and fired rifles in combat with the enemy." Guns *are* good for shooting and killing people. That's the main reason that supporters of gun control want to impose severe, even unconstitutional limits on the right to own and bear arms. Yet it's precisely because guns are such powerful weapons that concentrating them into fewer and fewer hands creates many more problems than it solves.

That's one of the lessons of this issue's cover story, "Gun Control's Twisted Outcome," by historian Joyce Lee Malcolm, author of the indispensable new book *Guns and Violence: The English Experience* (Harvard). Surveying changes in British law that have greatly restricted the right to self-defense, including a much-ballyhooed 1997 ban on handguns, Malcolm writes, "The safety of English people has been staked on the thesis that fewer private guns means less crime." Stark reality is refuting that thesis. The use of handguns in crimes jumped 40 percent during the two years after the ban and continues to rise. England's overall rates for violent crime outstrip those in the U.S., and the two countries' murder rates are beginning to converge.

You needn't believe that only an armed society can be a polite society to understand what's happening. "The English approach has not reduced violent crime," observes Malcolm. "Instead it has left law-abiding citizens at the mercy of criminals who are confident that their victims have neither the means nor the legal right to resist them."

Malcolm's cautionary tale about the British experience is particularly relevant in post-9/11 America, where there is considerable and legitimate anxiety regarding the ability of law enforcement to protect the public. Those worries help explain exceptionally strong gun sales over the past year, demands for liberalizing gun laws, and even widespread support for arming commercial airline pilots. Acknowledging that the right to bear arms "is a dangerous right," Malcolm underscores that "leaving personal protection to the police is also dangerous." That's a disturbing conclusion, all the more so because it's unassailable.

Nick Gillespie

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Drug Testing Fails at School and Work

~ Since marijuana remains detectable for as long as a month (while alcohol, heroin and cocaine for only a day or two[1]), testing will encourage students and workers to switch to more dangerous drugs. Can you imagine anything dumber?

~ The most effective method of preventing adolescent drug abuse is keeping youths active and learning after school when many parents are working and kids are not supervised.[2] Why would we want to put up barriers to kids participating in after school activities?

~ The most effective schools put in place a student assistance program that allows youngsters to anonymously seek or be referred to counseling if they show signs of problems. Shouldn't students perceive school administrators as their mentors rather than an extension of the police?

~ Based on 9% of schools that have some form of drug testing, the National Academy of Sciences reports: **"there is no scientific evidence regarding the effects of these programs, either on drug use or on the learning environment."**[3]

~ One school system rejected testing when it found it would cost $8 million annually to test its 75,000 athletes at its 171 high schools.[4] That's $46,000 per high school . . . $106 per student tested.

Let's Keep Our Kids Busy, Monitor Their Performance and *Communicate.*

Kevin B. Zeese, President, Common Sense for Drug Policy
3220 N Street, NW #141, Washington, DC 20007
www.csdp.org * www.DrugWarFacts.org * www.AddictintheFamily.org * info@csdp.org
202-299-9780 * 202-518-4028 (fax)

---

[1] Hawks and Chiang, "Examples of Specific Drug Assays, Urine Testing for Drugs of Abuse", Research Monograph No. 73 (1986); McBay, "Interpretation of Blood and Urine Cannabinoid Concentrations", 33 J. Forensic Sci 875-83 (1988); Ambre, J. et al, "Urinary Excretion of Cocaine Berzoylecgonine and Ecgonine Methyl Ester in Human", J. Analytical Toxicology (1988); Ellis et al, "Excretion Patterns of Cannabinoid Metabolites After Last Use in a Group of Chronic Users, 38 Clinical Pharmacology & Therapeutics", 572-78 (1985).

[2] Carmona, Maria and Kathryn Stewart. (1996). "A Review of Alternative Activities and Alternative Programs in Youth-Oriented Prevention" *CSAP Technical Report No. 13.* Washington, DC: Center for Substance Abuse Prevention/ Substance Abuse and Mental Health Administration/ Department of Health and Human Services; Tierney, Joseph P., Jean Baldwin Grossman, and Nancy L. Resch. (1995 November). *Making a Difference: An Impact Study of Big Brothers/Big Sisters.* P. 49. Philadelphia, PA: Public/Private Ventures; N,. Zill, C. Nord, & L. Loomis, "Adolescent Time Use, Risky Behavior, And Outcomes 52 (1995)."

[3] National Research Council, "Informing America's Policy on Illegal Drugs, 2001", page 203.

[4] Nancy Trejos and Alan Goldenbach, "Schools Uneasy on Random Drug Tests Area Students, Parents Cite Privacy Concerns After High Court Ruling; Others Point to Costs", *Washington Post*, June 28, 2002, B-1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reason

Editor-in-Chief Nick Gillespie (jgillespie@reason.com)

Senior Editors
Charles Paul Freund (cpf@reason.com)
Jacob Sullum (jsullum@reason.com)

Associate Editors
Brian Doherty (bdoherty@reason.com)
Jesse Walker (jwalker@reason.com)

Assistant Editor Sara Rimensnyder (sarar@reason.com)

Science Correspondent Ronald Bailey (rbailey@reason.com)

Editorial Assistants
Robert Horvado (rhorvado@reason.org)
Mary Toledo (mtoledo@reason.org)

Art Director Barb Burch (bburch@reason.com)

Photo Researcher Amy Howorth

Web Editor Tim Cavanaugh (tcavanaugh@reason.com)

Webmaster Brian J. Taylor (webmaster@reason.com)

Reason Express Writer Jeff A. Taylor (jtaylor@reason.com)

Contributing Editors
Peter Bagge, Gregory Benford, James V. DeLong, Glenn Garvin, Mike Godwin, David R. Henderson, Alan Charles Kors, Brink Lindsey, Carolyn Lochhead, Loren E. Lomasky, Mike Lynch, John McClaughry, Deirdre N. McCloskey, Michael McMenamin, Charles Oliver, Walter Olson, John J. Pitney Jr., Thomas Szasz, Cathy Young, Michael Young

Publisher Mike Alissi (malissi@reason.com)

Associate Publisher Michael Orendy (michaelo@reason.com)

Legal Advisor Don Erik Franzen

Editorial and Production Offices
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
Tel: 310-391-2245 Fax: 310-391-4395

Advertising Sales
Michael Orendy
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
Tel: 310-391-2245 Fax: 310-391-4395
(ads@reason.com)

Subscription Service
P.O. Box 526, Mt. Morris, IL 61054
1-888-reason-8 (1-888-732-7668)
(subscribe@reason.com)

Circulation
Circulation Specialists Inc.

Newsstand Distribution
BigTop Newsstand Services
415-643-0161 Fax: 415-643-2983
(info@bigtoppubs.com)

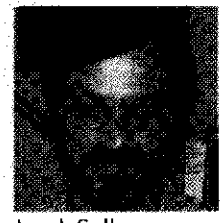
reason is published by the Reason Foundation, a 501(c)(3) nonprofit educational foundation. Contributions to the Reason Foundation are tax-deductible. Signed articles in **reason** reflect the views of the authors and do not necessarily represent those of the editors, the Reason Foundation, or its trustees; articles should not be construed as attempts to aid or hinder the passage of any bill before any legislative body. The claims and opinions set forth in paid advertisements published in this magazine are not necessarily those of the Reason Foundation, and the publisher takes no responsibility for any such claim or opinion.

Reason Foundation
Trustees
Harry E. Teasley Jr. (Chairman), Thomas C. Beech, William A. Dunn, David W. Fleming, James K. Glassman, C. Boyden Gray, Stina Hans, James D. Jameson, Manuel S. Klausner, David H. Koch, James Lintott, Stephen Modzelewski, Sarah A. O'Dowd, Robert W. Poole Jr., Denison E. Smith, Al St. Clair, Walter E. Williams, Frank Bond (emeritus)

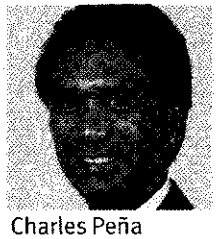
President David C. Nott
Vice President, Magazine Nick Gillespie
Vice President, Research Adrian T. Moore

Contributors

Joyce Lee Malcolm



Jacob Sullum



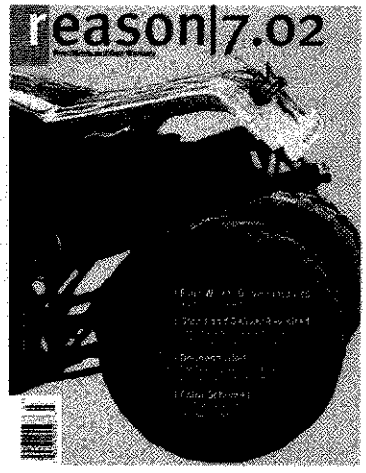
Charles Peña

In "Gun Control's Twisted Outcome" (page 20), historian JOYCE LEE MALCOLM looks at the United Kingdom's disastrous efforts to disarm its population. A history professor at Bentley College, Malcolm is the author of two books on guns: *To Keep and Bear Arms: The Origins of an Anglo-American Right* (1994) and this year's *Guns and Violence: The English Experience*, both from Harvard University Press. In **reason**'s January 2001 issue, Malcolm became one of the first critics to expose the myriad errors in Michael A. Bellesiles' infamous book on the origins of America's gun culture, *Arming America*. Has Malcolm ever pulled a trigger herself? "I went clay pigeon shooting once," she admits, "but most of my targets fell to the earth undamaged."

Senior Editor JACOB SULLUM's two contributions to this issue share a common figure: William Bennett, the former drug czar turned professional moralist. Bennett plays a cameo role in "Urine—or You're Out" (page 36), a deconstruction of drug testing, and costars with Noam Chomsky in "Pride and Prejudice" (page 53), a gimlet-eyed review of the two men's 9/11-themed books. Bennett also figures prominently in Sullum's forthcoming book on the morality of drug use. But Sullum insists he's not obsessed with the finger-wagging pundit. "If he would just shut up," he says, "I'd be happy to stop writing about him."

In "Murder Most Foul" (page 59), the Cato Institute's CHARLES V. PEÑA takes a break from his routine as an expert on Iraq and terrorism to consider an even more harrowing topic: genocide. Given such grim professional interests, how does Peña keep himself sane? "I go zipping around in brightly colored leather," says the avid track motorcyclist, who estimates his top speeds reach around 140 miles per hour. When Peña's not burning rubber, his wife and 3-year-old daughter keep his heart racing.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Letters are welcome and should be addressed to

reason
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
fax: (310) 390-8986
letters@reason.com

SUV Paradise

Hans Eisenbeis' "Defense of the SUV" (July) displays the moral myopia that cripples so much libertarian thinking about the environment. Eisenbeis admits, in passing, that SUVs "contribute to our environmental dilemma; they burn more gas, oil, and rubber...and continue to pollute disproportionately once they've been scrapped."

He then dismisses these concerns by noting, correctly, that all cars contribute to these same problems, if in a smaller degree. Eisenbeis then glides smoothly on to discuss the symbolic, fantasy, and emotional virtues of the behemoths. He omits the reality that with a few hundred dollars invested in better engineering, the auto industry could make, say, a Ford Explorer get 34 miles per gallon, not 19, making our choice of vehicle far less consequential for global warming.

SUVs are, actually, real objects, with real material impacts on the world. What Eisenbeis and so many others fail to note is that "we" who drive SUVs are not the primary victims of their environmental impact, and that the victims almost certainly do not agree that our desire to use "these massive trucks" as a "form of escapism...a bulwark against harsh realities the rest of the world still faces on a daily basis" justifies the carbon dioxide pollution they emit, given that this pollution makes those realities harsher for, say, the tens of millions who inhabit the Gangetic Delta of Bangladesh.

One of the most certain consequences of global warming is a rise in sea levels. That rise means that the already horrific loss of lives and property which results from typhoons coming off the Bay of Bengal will increase dramatically as storm surges reach further north into the low-lying villages and towns. The Bangladeshis have never agreed to have their lives and property put at greater risk so that Americans can satisfy their post-industrial off-road fantasies. They receive no compensation for their loss. There is no contract, explicit or implicit, that gives American drivers the right to raise sea levels.

Under the common law, no one had the right to use their property in a manner which flooded someone else's. When the flooding is caused by millions of cars, SUVs, and power plants all over the world, and when it occurs tens of thousands of miles away, and perhaps years later, finding a mechanism to substitute for the nuisance lawsuits that were traditional in England is challenging. But the moral principle is the same. And since the death toll in Bangladesh alone is almost certainly going to be larger than the total number of American lives lost in all of our wars since 1775, this challenge deserves serious commentary.

If libertarians continue to pretend that global warming either doesn't exist, by denying the scientific consensus, or isn't important, because the American economy can probably adapt to a changed climate regime, they will only fuel one of the deep suspicions that the rest of us have about the libertarian concept of freedom—that behind it lurks a doctrine which comforts the comfortable and afflicts the afflicted by emphasizing irresponsibility for the well-off and well-connected, while indulging the expropriation of common resources, such as the climate, that provide security for the poor and powerless.

Carl Pope
Executive Director
The Sierra Club

I am a member of the Society of Automotive Historians and the Automotive

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Press Association. Though I enjoyed the writing and thrust of Eisenbeis' essay, it falls short on the facts.

Eisenbeis writes, "On July 2, 1941, this seemingly impossible list of specs was distributed to every American auto manufacturer." That's funny. Earlier today—in connection with a book project I'm working on—I was looking at a photo of Edsel Ford in the first Ford-built GP, dated February 28, 1941. Some trick to build a vehicle prior to receiving its specs. Surely Eisenbeis meant 1940.

The statement that "Willys...was building stripped-down commercial trucks and vans" is also not quite correct. See the Standard Catalog of American Cars, 1805–1942, for specs and pictures of Willys passenger cars produced and sold every year up to World War II.

"Already during the '30s, American cars generally sported V-6 and V-8 engines," writes Eisenbeis. Huh? Only a handful of cars had V-8s before World War II: Cadillac, LaSalle, Mercury, Ford, and Cord; Buick and Nash offered in-line valve-in-head straight eights, while Olds, Pontiac, Packard, Hudson, Studebaker, and Chrysler had flat-head straight eights. The first production V-6 was not offered in an American car until the 1965 Buick Skylark, and did not become popular and spread to other makes until the late '70s (G.M.) and '80s (Chrysler and Ford).

"By the end of September 1941, Probst's design was approved and the Army processed an order for 4,500 vehicles," writes Eisenbeis. Hmmm again. My local Ford dealer has on display in his service department a restored Ford GP with a build date of September 26, 1941.

"By 1949, Willys began to expand its model lines to include a four-wheel-drive station wagon...this 'woody,' so-called because of its distinctive wooden side panels...." Hell, guys, the vehicle was approved by ex-Ford exec Charles Sorenson in 1944 and was in production by mid-1946 as a two-wheel-drive model. And it was notable as the first steel-bodied wagon—the "wooden" side panels were painted sheet metal. True, four-wheel drive arrived on the Jeep station wagon for the 1949 model.

"Throughout the 1950s and '60s, Americans were enjoying the golden age of the behemoth land yacht—the age of the Cadillac Sedan DeVille and the Lincoln Town Car...." The Sedan DeVille debuted as a 1956 model four-door hardtop, while the Lincoln Town Car was first introduced in the fall of 1979 as a 1980 model. He would have been OK if he hadn't tried to gild the lily with series descriptions; just plain Cadillac and Lincoln would have sufficed.

Mike Davis
Detroit, MI

Hans Eisenbeis replies: As Carl Pope undoubtedly knows, it's a most difficult exercise to convince Americans of the "butterfly in China" syndrome—that what we do each day, individually, can have planetary impact. Maybe the "growing scientific consensus" will compel us to behave more thoughtfully and morally. In any case, it is just this side of nuts to suggest that Bangladesh's (and other developing nations') past, present, and future problems stem from global warming and industrialization, rather than chronic economic underdevelopment and its resulting poverty.

The point of my article was to explore the lure of the SUV itself, and precisely why it endures even though the vehicle is increasingly vilified in forums like *The New Yorker* and NPR's *Car Talk*. I'm not saying I disagree with their negative portrayal, just that it's kind of pointless until we explore some of the longstanding reasons why people—lots and lots of people—are attracted to such vehicles.

The good news is this: Car manufacturers, too, must juggle competing myths and demand-side mandates. While they continue to build luxury SUVs that meet draconian off-road specs (with no real point, since only 10 percent ever go off-road anyway), they're also making good on converting the 4X4 fantasy into a more responsible reality.

To wit, the massive new category of CUVs (crossover utility vehicles) such as the Ford Escape, the Toyota RAV, the Honda CRV, and many others. There's even word that Ford wants to build a hybrid CUV that uses an electrical system to double or triple gas mileage and reduce emissions by an equivalent amount. It's about time someone built a little environmental awareness into these alleged wilderness machines.

I'm neither a mechanic nor an automotive historian, as Mike Davis deftly points out. I found the research for this article slow going, because there are so few well-written or dependable histories out there. I relied too much on shop manuals and enthusiast publications, where enthusiasm tends to outpace accuracy. Academic histories of the automobile are virtually nonexistent.

I surely should have caught the glaring anachronism regarding the V-6 and V-8. Anyone who's ever lifted the hood on a classic car knows that most from this era were straights. The V-8 was relatively rare, and the V-6 was two decades away.

Stand and Deliver

It has always amazed me that it seemed no one was appalled by the destruction of Jaime Escalante's program at Garfield High School ("*Stand and Deliver* Revisited," July). I was cheering author Jerry Jesness until I came to the last

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

page of his article.

There Jesness suggests that a standardized curriculum and tests would stifle a teacher like Escalante. On the contrary, if earlier grades had higher expectations, brought about by standardized curricula and accountability, then the number of academically prepared students in the pipeline might have been much larger. Perhaps Escalante wouldn't have had to fight so many battles and work so hard to build an exemplary program.

Jesness must realize that the A.P. Calculus course and exam, used to illustrate Escalante's success, is itself a standardized curriculum, and that A.P. tests constitute an accountability system. Why would the adoption of a standardized curriculum and assessment system (such as the A.P. exam) be good for Escalante's students at Garfield but bad for other children?

William Tarr Jr.
Sacramento, CA

Color Schemes

Richard Epstein's review of Glenn C. Loury's unpersuasive book *The Anatomy of Racial Inequality* ("Color Schemes," July) is appropriately negative. But Epstein makes some mistakes in his analysis of racial and ethnic preferences in public and private contexts.

Epstein would prefer a world in which private actors have freedom to discriminate on the basis of race and ethnicity. While we await Congress' repeal of civil rights laws, however, we in the real world must choose between two legal regimes: one in which all races are protected from private discrimination, and one in which discrimination against only some races is banned (and indeed where discrimination against the others is actually encouraged). The latter regime is unfair and unconstitutional—as well as contrary to the statute that Congress passed—and so we should prefer the former while Epstein does his lobbying.

Epstein also thinks that when government actors are in competition with private actors, the latter's discrimination justifies the former's. Besides being a breathtaking non sequitur, this would require repeal of not only the civil rights statutes but the Equal Protection Clause of the Constitution's 14th Amendment.

Finally, Epstein asserts that the fact that racial and ethnic preferences "have been so widely adopted (even to excess) in the face of such strong opposition testifies that, in sharp contrast to Jim Crow, they are not the product of a corrupt or factional political system." But the adoption of preferences by private and public bureaucracies is almost always done surreptitiously, and the weight that preferences afford race and ethnicity is never admitted. Their adoption, particularly in employment, is also frequently a result of lawsuits, government pressure, and threatened boycotts. When there is actual debate, preferences are rejected, as with the passage of Proposition 209. (Epstein offensively dismisses this law, prohibiting government racial discrimination, as just "Ward Connerly's monochromatic vision of human nature.")

Race raises complex issues, but the Constitution gives us a simple rule that would work very well in helping navigate them: Governments should not have one set of standards and legal protections for some, and another for others.

Roger Clegg
General Counsel
Center for Equal Opportunity
Sterling, VA

Richard Epstein replies: Roger Clegg's letter represents a curious combination of the practical and theoretical. At the outset, he criticizes my pie-in-the-sky proposal to repeal civil rights laws as they apply to private discrimination. He then states that there are only two real choices: a color-blind regime and a world of affirmative action.

Alas, he is guilty of as much wishful thinking as I am. There's only one choice. Congress will not upset the current double standard that allows but does not require affirmative action. The current program allows private firms to practice the discrimination they desire and forbids only the discrimination they don't want to practice. No sensible American business or university will want to chuck that dual standard. Clegg is right that our flagship institutions conceal the extent of their affirmative action programs, but they do not hide their support for them.

State institutions present a much closer question. I fully share Clegg's belief in the color-blind Constitution to the extent that it involves the enforcement of the state criminal and civil law. It would be intolerable to have one set of rules for white burglars and another for black. But for better or worse, the state no longer functions solely as a night-watchman state. Once it gets into the business of dispensing benefits, it resembles a private firm, so the demand for color-blind treatment loses much of its urgency. I don't think the Equal Protection Clause will, or should, chain organizations such as state universities to a strict color-blind rule.

Glenn Loury is wrong to preach the moral necessity of affirmative action. Roger Clegg is equally wrong in urging us to obliterate these programs. The hard questions in this area boil down to matters of proportion and degree, on which we learn as little from Clegg's absolutism as we do from Loury's.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DARE to fail; no IDs for the Japanese; the politics of press credentials; taping Tipper Gore; bang, you're dead; and growing global economic freedom

Strippers who go the distance

Carnal Cabaret

Jeremy Lott

TO ENFORCE Spokane County, Washington's dreaded Cabaret Ordinance, local cops mounted a sting operation in August that led to the arrest of five strippers and the manager of the Déjà Vu strip club on misdemeanor charges.

The girls were charged with violating the ordinance's four-foot "buffer zone"—the distance the law requires between strippers and patrons—by performing private lap dances on the undercover cops and others in exchange for cash. In an odd twist to the story, the cops left the club after their lap dances, then returned to make the arrests wearing masks to avoid being recognized in future stings.

Outrage followed. In a satirical piece for the local *Spokesman-Review*, columnist Doug Clark defended the officers against vice charges. "Many of you don't understand the kind of pressure these men were up against," he chided readers. As for the controversial provision of the 1997 cabaret law, Clark said he thanks God "every day for the Four-Foot Buffer Zone."

The comments on the *Spokesman-Review*'s Web site and letters page ran heavily in favor of the strippers. Residents suggested that the law enforcement budget was too large, that police were kowtowing to the religious right, and even that such an operation was evidence that "the terrorists will win."

Cpl. Dave Reagan, spokesman for the sheriff's department, acknowledges that the community reaction has been "mixed" at best, with the pro-lap dance faction the more vocal. But he insisted that "we only do this type of enforcement at the request or behest of neighboring businesses or government officials in that area"—in this case, the Spokane Valley Chamber of Commerce. Reagan indicated that the sheriff's office will lay off the Déjà Vu club for a while and "go on about other things." ▮

Adoption and privacy

Who's Your Daddy?

Sara Rimensnyder

LAST SUMMER A Florida judge upheld a state adoption law that one attorney has called "anti-parent, anti-adoption, anti-family, and most profoundly anti-child." Not to mention anti-privacy.

The law, passed in fall 2001, requires pregnant women who don't know their babies' birth fathers to buy newspaper ads detailing their sexual histories before they can give their babies up for adoption. The ads have to run weekly for a month in any

25 years ago in reason

"Consider that the physician has taken over much of the 'business' of religion. He or she presides over the previously sacred acts of birth and death, even over sex and madness. People believe more in his power to heal than in God's."

—Howard Maccabee, "Political Nemesis"

"Pessimism, the more provocative the better, has always been lent an ear."

—Jerome Tuccille, "Doomsday Criers and Technocrats"

"The 55 mile-per-hour speed limit is apparently becoming a settled aspect of American life.... This may not seem to matter to anyone who is not a driving enthusiast, but for the millions who *do* like to drive, much of the fun has been lost."

—James Dale Davidson, "Nowhere Fast"

"The country is literally overrun by liberal robots, emitting their latest trendy responses; by conservative robots emitting the entrenched prejudices of their grandfathers; and by socialist robots, consumerist robots, Black Panther robots, etc. etc.—all reciting their sacred texts."

—Edith Efron, "Secular Fundamentalism"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

town where the baby might have been conceived.

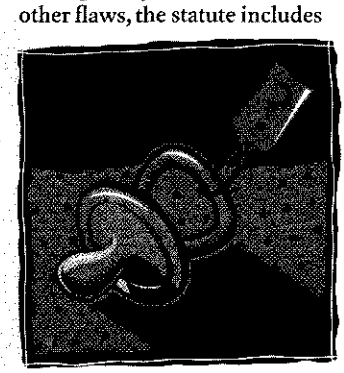
Six women filed suit, arguing the law violated their right to privacy. Palm Beach County Circuit Court Judge Peter Blanc ruled against all but one, a rape victim. Now the remaining five women are appealing.

Legislators and men's rights activists had hoped the ad requirement would give more men the opportunity to come forward and take responsibility for their progeny. They also say they hoped to avoid custody battles between adoptive parents and biological fathers who step forward too late.

But attorneys report that the law's invasion of privacy has deterred pregnant women from considering adoption as an alternative to abortion. "Right now, adoption is greatly jeopardized, and many birth parents are electing abortion instead of adoption," says Patricia Strowbridge, an attorney and president of the Florida Adoption Council. "The intention was to improve birth fathers' rights; the result was that, in some instances, there has been a flat-out trampling of birth mothers' rights."

Strowbridge says the Florida Adoption Council will challenge the law in every district in Florida to increase the chances that the state Supreme Court will ultimately hear the case. In the meantime, there's a strong chance the state legislature will reform the statute when it goes back into session in March.

"We hope the legislature will take a real serious look at the statute," Stowbridge says, "because it has a number of problems, not the least of which is this privacy issue." Among other flaws, the statute includes provisions that in effect outlawed interstate adoptions—a problem that has been corrected by a special order from the attorney general. ▪



The secret of DARE's success

Constant Improvement

Jacob Sullum

ONE STUDY AFTER another has found that DARE, the nation's most popular substance abuse prevention program, does not actually prevent substance abuse. Yet DARE (a.k.a. Drug Abuse Resistance Education) claims it is constantly revising its curriculum, so any research indicating that it doesn't work is immediately outdated. And with a few exceptions, school districts always seem willing to give DARE another chance.

In the latest confirmation of this tendency, a survey of 81 school districts in 11 states found that 82 percent were using DARE. "DARE has been widely studied," noted University of North Carolina at Chapel Hill researchers Denise Hallfors and Dionne Godette in the August issue of *Health Education Research*, "and found to have relatively small short-term effects with no long-term benefits on substance use behavior." As Hallfors told the Associated Press, "It's not a very good use of taxpayer money."

As usual, DARE was unfazed. The Associated Press reported that DARE America's executive director, Charlie Parsons, "said the research in Hallfors' study refers to DARE's old curriculum, which is no longer used." DARE is in the midst of a five-year study to evaluate the new curriculum. If the results are disappointing, you can be sure there will be yet another curriculum waiting in the wings. ▪

No IDs for the Japanese

Regimentation Revolt

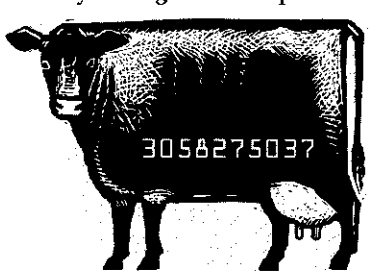
Brian Doherty

THE FAMOUSLY regimented Japanese are showing some individualist spirit in a fight against a new national ID system.

The program, called Juki Net, assigns every Japanese resident an 11-digit number. It is meant to help the government centralize the computer networks that track citizens' personal data. Currently it is used for 93 government services, most prominently for issuing proof-of-residence documents, which are needed to obtain driver's licenses and open bank accounts, among other things. A bill now under consideration would extend the number's use to 175 more functions, including passports. Electronic ID cards to go with the numbers are planned for August 2003.

Six administrative areas of Japan, home to 4 million citizens, have refused to join the network. They cite the lack of any law to protect privacy, despite the fact that previous prime ministers swore Juki Net would not be launched without such safeguards. Many Japanese also fear government agents or others might access the data for illegitimate purposes.

A gang of demonstrators, some in cow costumes, others in prison stripes, hit the streets of Tokyo in August to tear up the



official notices assigning them their numbers. The bovine outfits alluded to the 10-digit number system the Japanese government created for cattle in response to a mad cow disease scare. One protest Web site in Japan offered a pithy slogan: "Ten digits for cows; 11 digits for people." ▪

A charter school's ups and downs

Scoring High

Lisa Snell

SPRING 2002 TEST results gave a much-needed boost to defenders of the beleaguered Edison Charter Academy in San Fran- ››

Quotes

"Libertarianism seems to be so entrenched now that it may be too late to censor anything." ▪

—a glum Robert Bork in the July/August *American Spectator*

"There is no good reason to subject the consumers of cannabis to the application of criminal law. In a free society such as ours, it's up to the individual to decide whether to consume cannabis or not." ▪

—Sen. Pierre Nolin of Canada's Progressive Conservative Party and chair of the Senate Committee on Illegal Drugs, introducing a parliamentary report that recommends marijuana be regulated the same way as alcohol, in the Associated Press, September 5

Sources

Search engines such as Google and Yahoo are indispensable—they're the method to the Web's madness. But a new search tool called kartoo.com goes further. It maps out the web of links called up by any given keyword, so that every search offers a sort of artist's rendering of the labyrinthine interconnections that define the Internet. ▪

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brickbats

Italy's health minister, Girolamo Sirchia, believes his countrymen smoke too much, and he knows why: movies and TV. So he wants to broadcast a government health warning anytime an actor lights up. Under his plan, a subtitle reading "Warning, this is pro-smoking propaganda" would pop up under every scene with cigarettes.

Dalal Mughrabi was a Palestinian woman who participated in a 1978 bus hijacking in which 36 Israelis and an American nature photographer, Gail Ruban, were killed. Mughrabi has a Palestinian high school named after her, and it's apparently starting to show signs of wear. Fortunately, the U.S. Agency for International Development has stepped in with money to help renovate it.

Children in France can now be sentenced to up to six months in prison for insulting teachers, police or fire officers, or railway guards. Teachers had complained that their students sassed them, but police were willing to get involved only in cases of assault. Children as young as 13 are covered by the law.

Argentina's bankrupt government is notorious for writing checks to phantom workers. But even the most jaded observers were surprised at one name recently found listed on the rolls: "goatsucker, male, born in 1900." The mythological goatsucker is a creature blamed for animal maulings throughout Latin America. Officials attributed the error to a technical glitch and noted that the goatsucker never showed up to collect his checks.

When does a boy become a man? The government of Turkmenistan is closing in on an official answer. By proclamation, a Turkmen child now reaches adolescence on his or her 13th birthday. At 25, that adolescent becomes a youth, but he won't be mature until age 37. Old age arrives at 85. This was all decreed by the nation's dictator, who has also proposed renaming the month of January after himself.

Ted Matthews, of Timaru, New Zealand, developed dry gangrene in his hands after heart surgery. When he tried to schedule follow-up surgery to have his fingers amputated, he was told it would be six months before the hospital could see him. Matthews grew tired of waiting and finally sliced off one rotting finger with scissors.

Houston police wanted to crack down on illegal street racing, so they planned a bust at a 24-hour K-Mart that is reputed to be a meeting place for racers. Just one problem: No one was racing. So the police proceeded to arrest everyone in the parking lot and everyone eating at a nearby drive-in restaurant. In all, they arrested 278 people for criminal trespass and 48 juveniles for violating the city's curfew.

Jacqueline Smith received a £30 ($45) fine from the city of Edinburgh, Scotland, for parking in a no parking zone. Smith appealed on the grounds that the space wasn't marked until two days after she received her ticket. The city helpfully pointed out that there were markings on the pavement indicating road crews *should* paint the double lines indicating "no parking." Only after other ticketed drivers complained did the city back down and rescind the fines.

Charles Oliver

cisco. Scores were up in every subject and in every grade, exceeding state targets by a large margin.

The school, long embroiled in a battle for survival with the San Francisco school board, had seen a dramatic drop in its 2001 scores after two years of steady improvement. When Edison took the school over in 1998, it was the lowest scoring elementary school in San Francisco.

According to Joanne Jacobs, a former *San Jose Mercury News* columnist who is writing a book on charter schools, "One graph [of the spring test results] follows the class of 2002: As second-graders, only 14 percent scored at or above grade level in reading, 26 percent in math; by the end of fifth grade, 43 percent were at or above grade level in reading, 48 percent in math. The spring 2002 scores for second-graders start where the older students ended: 45 percent of younger students [were] at grade level or above [in reading], 47 percent in math." (Jacobs' February **reason** article on Edison, "Threatened by Success," is archived at www.reason.com.)

In contrast to Edison's rough treatment, public schools with years of failing scores remain open and continue to be rewarded with extra funding. Recently the *Orlando Sentinel* reported that teachers at one such school were teaching students that an F grade from the state was "fantastic": "For Jeremy Hunter, the F-grade given to Mollie E. Ray Elementary this past spring does not mean the school is failing. The 11-year-old fifth-grader said it stands for fantastic or fun....Teachers said they plan to reinforce that message throughout the year as they work to improve test scores."

The school is one of 10 in Florida that received failing grades for the second time in four years. So far no school board has moved to shut them down.

Sink this Everglades plan

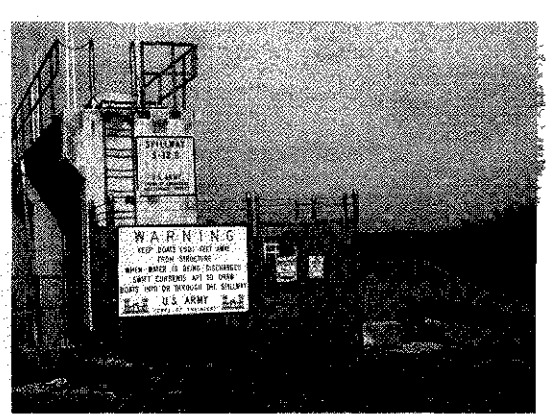
Murky Water

Brian Doherty

THE FEDERAL government's $7.8 billion comprehensive plan to "restore" Florida's Everglades —mostly to fix damage done by previous federal meddling in the area—is already showing signs of sinking into that mighty swamp.

The plan, the single most ambitious and expensive environmental project ever undertaken by the U.S. government, promises to simultaneously solve the Everglades' myriad problems with water flow and quality and lost or unbalanced plant and animal life. Most of these problems resulted from a U.S. Army Corps of Engineers project in the late 1940s that essentially drained much of the marsh in an attempt to prevent flooding, irrigate farmland, and provide drinking water to facilitate new development.

Approximately 1.7 billion gallons of water drain from the Everglades to coastal waters each day. The feds hope to capture most of this water and store it



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Balance Sheet

Jeff A. Taylor

Steely Resolve

Domestic steel producers howl at the U.S. government's refusal to levy tariffs on imported steel. Both the Commerce Department and the International Trade Commission find that imports of cold-rolled steel are not to blame for American steel's woes.

Joint Production

Teens polled by the National Center on Addiction and Substance Abuse say that they can buy pot more easily than cigarettes or beer, suggesting that the best way to keep drugs from kids is to legalize them.

Peer Pressure

Citing the Recording Industry Association of America's plans to hack users of peer-to-peer file trading software, Internet service provider Information Wave Technologies blocks the RIAA from its network. In addition, Verizon resists the demands of Big Media to give up the names of file swappers.

Vice's Virtue

Texas investor Dan Ahrens sets up the Vice Fund, which will trade in the alcohol, gambling, tobacco, and defense stocks that politically correct "social equity" funds avoid. The vice stocks have done well in the bear market, and Ahrens says people "should invest to make money, not to make a political statement."

Pfysteria

Two teams of researchers say the periodic hysteria over the algae pfiesteria may be misplaced. Pfiesteria was thought to kill fish and make people sick. But independent analysis hasn't found a toxin.

Prize Poop

The Sustainable Development Network, a coalition of African and Asian farmers who support free trade, awards its "Bullshit Trophy" to Greenpeace, the Third World Network, and BioWatch in recognition of their contribution to the "preservation of poverty" in developing countries.

Beanie Babies

Florida police shoot an 81-year-old nursing home resident three times with bean bags, then pepper spray him after he waves a small glass vase at them. Willie D. Foster, who uses a wheelchair and has a pacemaker, was accorded the "safest option," according to a police spokesman.

Hotmail Defense

The judge handling the case of Zacarias Moussaoui is mystified as to how the FBI missed the alleged terrorist's e-mail account. The feds said no such account exists, but Moussaoui has said he used a Hotmail account accessed via a computer at Kinko's.

Dorm Strife

A police chief in New Hampshire suggests a private college should forfeit a dorm building because of drug busts at the school. Dover chief William Fenniman says he is willing to do whatever it takes to stop "illicit activity."

Mink Stolen

Animal rights activists believed to be associated with the Animal Liberation Front cut fences at an Iowa mink farm, releasing hundreds of the animals into the wild. Half were recovered, while others were hit by cars or killed by dogs.

Speech Impediment

The First Amendment goes too far in guaranteeing free speech, say 49 percent of people polled by the First Amendment Center. The percentage of people who think speech protections are too robust is up some 10 points from 2001.

Bulging Bars

A record 6.6 million people are now in the American correctional system. That's up from 4.4 million in 1990, a Sentencing Project survey finds. In other words, one in every 32 adults in the U.S. is behind bars, on probation, or on parole.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Data

Better Than Ever

Sara Rimensnyder

How free are we?

The Economic Freedom Network's *Economic Freedom of the World: 2002 Annual Report* attempts to answer that question by tallying a global index of economic liberty. Good news: The United States sits near the top of the list, trailing behind only Hong Kong and Singapore.

"As bad as it sometimes looks in the U.S., it's not as bad as the rest of the world," says Capital University economist Robert Lawson, who coauthored the report with Florida State's James Gwartney. Their team of researchers uses three dozen measures in five key areas—government size, property rights protection, monetary policy, international trade, and regulation—to rank countries on a 10-point scale. The Democratic Republic of Congo falls dead last, though Myanmar is hardly better. (The entire study is available online at www.cato.org/economicfreedom.)

The data show economic freedom increasing globally during the last two decades, with Peru, Israel, and Ghana topping the list of countries that have made the largest absolute leaps toward freedom since 1980. "If a country starts low on the economic freedom index and has had a lot of improvement, that doesn't necessarily mean it's a great place to be," cautions Lawson. "Many of the countries still aren't very free."

Ten countries with the largest absolute increase in economic freedom rating, 1980–2000

Peru	3.77
Israel	3.39
Ghana	3.30
Bolivia	3.22
Jamaica	3.17
Argentina	3.11
Jordan	2.67
Egypt	2.55
Philippines	2.51
Trinidad & Tobago	2.47

Ten countries with the largest increase in economic freedom rating (as a percentage of possible gain), 1985–2000

United Kingdom	0.56
Peru	0.55
Argentina	0.53
Israel	0.52
Jamaica	0.51
Iceland	0.51
Jordan	0.50
Bolivia	0.50
Ireland	0.48
Chile	0.48

Source: Cato Institute

› in surface and underground storage areas so water flow can be controlled and directed.

But an August report from the National Academy of Sciences (NAS) sheds light on the enormous scientific uncertainty surrounding the plan. The report traces the plan's potential effects on the Florida Bay, the shallow, 850-square-mile body of water at the state's southern tip where the increased water flow produced by the restoration project will discharge.

The bay's old turtle grass beds began dying off in the late 1980s for reasons that scientists are still debating. The NAS report says it is unlikely that the federal plan will restore those grass beds or improve water clarity. In fact, it expresses concern that the new water flow might further endanger the remaining sea grass by increasing algae blooms. The NAS concludes that "the consequences of the [federal restoration] may be a Florida Bay that differs markedly from the 'gin clear' bay of the 1960s and 1970s." ▯

The politics of press credentials

Galley Gatekeepers

Jesse Walker

In September, the right-wing webzine *WorldNetDaily* was granted credentials to cover the U.S. Congress. It had to fight for that access, though, in a battle that revealed some uncomfortable facts about the way the Washington media guild conducts its business.

Last January, *WorldNetDaily* had been told that it wouldn't be issued those credentials. A few months later, the Standing Committee of Correspondents—the panel of journalists charged by Congress with guarding the press galley gates—rebuffed the publication's appeal. The webzine ended up going to the Senate Rules and Administration Committee for help, arguing that the panel's decision had violated the site's constitutional rights to due process, equal protection, and freedom of the press.

Why had *WorldNetDaily* been barred? In a February letter to the site, William Roberts of the correspondents committee explained that "publications operated, funded or affiliated with tax-free special interest or issue advocacy groups do not qualify for accreditation." Since *WorldNetDaily* is partially owned by the Western Journalism Center, a tax-exempt organization created to "return the press to its traditional role as watchdog on government," it was disqualified. Roberts added that, to be accredited, Internet publications "must provide daily news with significant original reporting content." For reasons left unstated, the committee did "not believe WorldNetDaily meets this threshold."

When *WorldNetDaily* asked to see any documents related to the committee's decision, it received instead a two-page list of such documents. On that list, the word *conservative* was repeatedly circled and highlighted, while the phrase *too aggressive* was written in the margins. From such evidence, the publication argued that it was being discriminated against for its political content.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Bang, You're Dead

Sara Rimensnyder

Gerard Jones

Would-be censors have long posited a monkey-see, monkey-do relationship between media and audiences. Violent images create violent kids, they warn.

Comic book writer, screenwriter, historian, and parent Gerard Jones upends that thinking in his new book *Killing Monsters: Why Children Need Fantasy, Super Heroes, and Make-Believe Violence* (Basic). In his view, the violence depicted in comic books, cartoons, and video games helps far more kids than it hurts. As a lonely, angry 13-year-old, writes Jones, "the character who caught me, and freed me, was the [incredible] Hulk: overgendered and undersocialized, half-naked and half-witted, raging against a frightened world that misunderstood and persecuted him."

Jones has authored two previous books and countless comics, including *Green Lantern: Mosaic, The Trouble with Girls, Batman: Jazz,* and *The Shadow Strikes.* His latest project is the nonprofit Media Power for Children. "Our mission statement isn't written yet," he says, "but we'll be talking about the ways kids can use media to empower themselves, to use a cornball word." Assistant Editor Sara Rimensnyder spoke to Jones in September.

Q: How can fantasy violence help children?

A: Fantasy gives kids a world in which they can be everything that real life doesn't let them be. That can be a tremendous relief, a great way to leave behind the tensions of having to behave and compromise and negotiate your way through life all the time. It also helps satisfy curiosity about what life might be like without all these constraints.

Fantasy worlds let children create a proxy self—through a superhero, say—who's more powerful than their real selves. Since kids always have and always will feel somewhat powerless in this world, that proxy self is very energizing, helping them deal with reality when they close the comic book.

Q: Why are we so uptight about violent images in popular culture?

A: We're trying to control and eliminate real violence in society, and that's a good thing. But in our zeal to do that, we go after everything that resembles violence or seems to glorify it. We forget that one of the main functions of fantasy is that it enables you to take your antisocial desires and dispel them outside of the real world.

Q: Are there any TV shows or video games that are off-limits to your own son?

A: I do believe in creating filters for younger kids, not because media will teach them to be criminals, but because it can add additional stresses, pains, and confusion to their lives. I wouldn't let my 9-year-old son play *Grand Theft Auto III.* Kids learn gradually about how the adult world works. I don't need him to learn about gory street crime or oral sex all at once through a shock-value video game.

It also noted that credentials have been issued to other media outlets owned by nonprofits, such as the Medill News Service and the Associated Press.

On September 15, faced with legal threats and negative publicity, the panel reversed itself, voting 3-2 to award *WorldNetDaily* its credentials. In defeat, the gatekeepers seemed unrepentant. One of the nay votes, Jim Kuhnhenn of Knight-Ridder, complained loudly about the site's willingness to fight for its rights and, worse yet, to write about its struggle. "I cannot in good conscience support [Washington bureau chief] Paul Sperry's application for a credential," he declared, "because if I do, I would be endorsing his brand of extortion journalism." ▯

Swatting a student gadfly

Tipper Tape

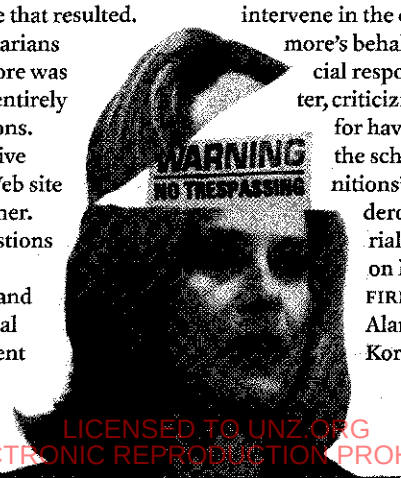
Charles Paul Freund

IN APRIL PLAIN-clothes police on the campus of American University (A.U.) in Washington, D.C., confronted a student as he was videotaping a public speech by Tipper Gore and demanded that he stop. The student, Ben Wetmore, says the police refused to show any ID, a story confirmed by another student. Still, he agreed to leave the building with the cops and an A.U. official to resolve the matter.

When Wetmore refused to surrender his tape, the cops grabbed his camcorder, wrestled him to the ground, and handcuffed him. The university later charged the senior with a series of campus violations, including the "theft" of Tipper Gore's intellectual property. Wetmore has since been found guilty; his punishment included performing janitorial services.

The school's actions are extraordinary for a number of reasons. The university never informed the public that videotaping was prohibited at the Tipper Gore event, although the audience was warned not to take flash photographs. Furthermore, taping a public event is not an infringement of copyright. Even if Wetmore had infringed any copyright in a later use of the tape, A.U. would have no standing in any case that resulted.

Civil libertarians believe Wetmore was punished for entirely different reasons. The Texas native maintains a Web site (www.benladner.com) that questions the school's expenditures and is highly critical of A.U. President Benjamin Ladner. When the Foundation for Individual Rights in Education (FIRE) attempted to intervene in the case on Wetmore's behalf, an A.U. official responded by letter, criticizing Wetmore for having ignored the school's "admonitions" not "to post derogatory materials about staff on his website." FIRE's president, Alan Charles Kors (a **reason** contributing editor), criticizes A.U. for having "jumped at the chance to silence a critic, without a care for free speech, journalistic freedom, and fundamental fairness."



A.U.'s position is that it cannot publicly discuss the case's details out of regard for Wetmore's privacy. But it released a statement defending its actions as fair and noting that "American University is a private school [and] does not regard this matter as a First Amendment issue." ▯

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dad Blood

If DNA tests prove that you're not your children's father, do you still owe child support?

IMAGINE RAISING A family for years, only to find out one day that your children are not really yours.

Imagine, after the divorce, being told by the courts that you have to continue paying financial support for these children.

Is this a Kafkaesque nightmare, or an unfortunate necessity to protect the children's interests?

No one knows exactly how many men—and children—around the United States are confronting this question in their own lives, but the individual cases that have made it into the spotlight are wrenching.

One such story, told recently on NBC's *Dateline*, is that of Morgan Wise, an engineer in Big Springs, Texas. Wise's fateful discovery, several years after his divorce, was prompted by the desire to help treat his 6-year-old son for cystic fibrosis: When he took a blood test to find out which cystic fibrosis gene he carried, it turned out that he didn't have the gene at all. Both parents have to be carriers for a child to inherit the gene.

Subsequent genetic tests showed that of the four children born to Wise's former wife during their 13-year marriage, only the eldest was his. "I never experienced a heart attack, and I can tell you, I had one that day," Wise told *Dateline*. "I mean...a part of me died."

When Wise went to court asking to be relieved of the child support payments that consumed a third of his take-home pay, he was turned down. Wise was later barred from contact with all four children because he had discussed the issue of their parentage with them in violation of the judge's order, but he still had to keep the checks coming. In January the U.S. Supreme Court declined to hear Wise's appeal.

To some extent, Wise and others in his position are victims of a gap between law and technology. The law basically presumes, as in ancient Rome, that a woman's husband is the father of any child born during the marriage. While a court may rule in favor of the cuckolded husband, what legal precedent exists is not on his side. Rulings in Pennsylvania, New Hampshire, Rhode Island, and California have also held that if the husband acknowledged the children as his for the duration of the marriage, he cannot deny paternity afterward.

When it comes to unmarried fathers, the law is more flexible, but a man who did not initially dispute a paternity claim may also find it tough to do anything about it later, particularly if he at some point acted as a father to the child. In Georgia, Carnell Smith, now 41, voluntarily assumed responsibility for a child his former girlfriend told him was his, paying more than $40,000 in child support during an 11-year period. In 1999, when the mother went to court to seek more money, Smith, by then married with two children, sought genetic testing and learned that he wasn't the girl's father. The courts were not swayed, and by now Smith's total child support bill has reached $120,000.

The 1996 federal welfare reform law directs that voluntary acknowledgment of paternity by an unwed father should be treated as a conclusive and binding establishment of paternity, although it allows for a 60-day rescission period; a 2000 Department of Health and Human Services report on paternity establishment strongly urged state child support collection agencies to follow these guidelines and to encourage the courts to do so as well. Interestingly, the report also noted that over 40 percent of local child support agency staffers surveyed

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

supported genetic testing for putative fathers. Many of these employees felt that affidavits acknowledging paternity were often signed in the flush of excitement over the birth of a child, and some even expressed concerns that a mother's new boyfriend might acknowledge paternity knowing that he was not the father, "out of kindness, pity or foolishness."

At present, four states—Louisiana, Colorado, Iowa, and Ohio—allow men to use DNA tests to disprove previously acknowledged paternity. Similar "paternity fraud" legislation is pending in California and in Georgia, where the initiative has been spearheaded by none other than Carnell Smith.

It might seem like a matter of simple justice. Why should a man support a child who isn't his? If DNA testing can be used to exonerate people accused of rape or murder, why not use it to exonerate men accused of fathering children?

Nevertheless, such proposals remain controversial. Earlier this year, an editorial in *The Atlanta Journal-Constitution* noted that the Georgia bill dealing with DNA and paternity was "moving forward at an alarming pace" and warned, "Somebody in the General Assembly needs to apply the brakes to it quickly."

What exactly is the peril opponents of such legislation are trying to avert? One common response is that one has to consider the best interest of the children. Yet the exoneration of a falsely accused "father" does not mean that no child support will be paid; the real "culprit" can be pursued instead. Morgan Wise, for instance, has unsuccessfully tried to argue that his former wife's lover or lovers who fathered the three boys he once believed to be his should be the person or persons paying child support.

Moreover, paternity fraud often ends up robbing its victims' real children. Bert Riddick, a California father of three, has spent the last 11 years paying child support for a girl he has never met, a girl whom DNA tests have shown to be someone else's daughter. As a result, he and his family have had to move in with his brother-in-law, in whose house the three children are crammed into one room. His wife has had to go on welfare.

Critics of paternity fraud legislation also emphasize the social, emotional, and psychological damage children are likely to suffer when Daddy suddenly discards them. And there is no doubt that children get badly hurt. Morgan Wise may have been shafted by the system, but it's difficult to view him with unalloyed sympathy when one learns that, after losing his claim for relief from child support payments, he took his battle public—with the inevitable result that the rumors reached the boys' school, and he ended up telling them he wasn't their real father.

"Regardless of the circumstances of conception, for the child this is the only father he or she has known," Los Angeles attorney Jenny Skoble, director of the Child Support Project at the Harriett Buhai Center for Family Law, wrote recently in *Insight* magazine. "If this man disappears from the child's life, the child not only loses his financial support, but suffers the well-known emotional effects of being abandoned by a parent."

That's often true, and it's unfortunate (though it is worth noting that the women's advocates typically making these arguments rarely show much concern about divorced fathers' complaints that their ex-wives intentionally disrupt visitation). Yet the reality is that no court can force a parent to be emotionally involved with his children and to participate actively in raising them. A court can only force him to pay up. It's true that courts sometimes bar the alleged father not only from using DNA test results in a paternity challenge but from having the children tested, so as to avoid potentially traumatizing them. Even so, a father who is unsure of his paternity may well withdraw from the children.

It is sad, of course, when a man who has been a de facto father to a child for years suddenly and abruptly abandons him or her. (Conversely, there is something self-serving and opportunistic about the position of some fathers' advocates that a man who has learned that his child is not biologically his should be able to continue contact and visitation but shouldn't pay child support.) But surely a good portion of the blame for such tragic situations rests with mothers who cheat and lie. The men who fight back don't necessarily believe, as some critics claim, that biology alone makes you a father; often, they are reacting to being deceived and used.

"What you're saying is that all a man is, in terms of a father to a child, is a sperm donor," Paula Roberts of the Center for Law and Social Policy in Washington, D.C., told the *Los Angeles Times*. "We think that's really bad social policy." Agreed. But our current social policy all too often reduces a man to a cash machine. ▯

Contributing Editor Cathy Young (cathyyoung2@cs.com) is a columnist for The Boston Globe.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Roll Over, James Madison

Where have all the federalists gone?

We stack up losing liberties to the war on terrorism, but at least we know they're disappearing. We've heard less about the injuries done to federalism, because the people who usually speak up for that principle—the conservatives—have been largely AWOL.

Federalism comes in many flavors. There's your garden-variety lab-oratories-of-democracy federalism, where Oregon can franchise single-payer health care and Wisconsin can dump everyone off welfare and Iowa gets to watch and learn. There are more hard-core varieties too, like *National Review Online* chief Jonah Goldberg's proposal to do away with "90 percent of all conservative over-sus libertarian arguments" by decentralizing most public policy to the cities and counties.

But it's hard to discuss decision-making when Washington keeps arrogating power to itself. Since 9/11, a Republican administration has federalized airport security, imposed new unfunded mandates on local transportation authorities, and even flirted with moving the military into domestic police work. A few conservatives have stood up against such changes. Others, including some purported federalist fanatics, haven't complained about much besides the new airport security regime—and that mainly because it won't engage in racial profiling.

One conservative who's stuck to her federalist ideals is the hardest-working housewife in politics, Phyllis Schlafly. In a syndicated column this summer, she thundered against "increased federal control" in the wake of 9/11, targeting Operation TIPS (the administration's proposed national clearinghouse for snitchers), the USA PATRIOT Act, and the president's National Strategy for Homeland Security.

The last, Schlafly wrote, "seems on the path of morphing driver's licenses into a national ID card." She noted that such licenses "are and should be under state jurisdiction"—the traditional federalist position—and suggested that Washington could achieve the same national security ends without stepping on the Constitution if it would merely reform "the irresponsible way it issues visas to people from terrorist countries."

She also objected to the idea of using the military as domestic cops: "If U.S. troops are to defend us against terrorists, they should be used to prevent suspicious aliens from coming across our borders, not to do police work against U.S. citizens."

Search the work of Goldberg, recovering Centrist David Frum's, *Wall Street Journal* Arab-hating James Taranto, and other erstwhile federalists. You'll find no echo of this analysis. You will, however, find defenses of the new programs, with the *Weekly Standard*'s Fred Barnes even stumping for a national ID card. Taranto claims TIPS should raise no civil liberties concerns, and Bennett has been nostalgic for the Cold War's old Counterintelligence Program (COINTELPRO) program of domestic spying.

"Do we die when cause closest to our hearts—the federalism issue—is challenged?" Goldberg asked before he distinguished himself from "anti-state conservatives" as well as libertarians. Those groups oppose centralized power per se, he explained, and while he "would prefer to see all government as most anti-state conservatives do," he figures the Republican vanguard might as well seize the commanding heights and start "kicking the Left off the cart" before it allows the state to wither away.

Perhaps I'm just not being generous enough in my interpretation of federalist principles. Perhaps when the Pentagon's colonel-in-Counterterrorism exempted itself from the ordinary rules of impeachment, it was merely being mocked for its hypocrisy of degree, not kind. Perhaps Operation TIPS is a radical experiment in Swiss-style decentralized defense, with citizen-spies instead of citizen-soldiers. Perhaps the president reviewed the collected work of James Madison each morning before setting out to make policy—or even more often, the collected Second Treatises of Locke.

Or perhaps some of liberty's fair-weather friends are fickle pals of federalism as well. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONFESSIONS OF A SERIAL PRESIDENT HATER

BY
PETER "MALCONTENT" BAGGE
2002
(PETERBAGGE@EARTHLINK.NET)

IT RECENTLY OCCURRED TO ME THAT I'VE HAD A **LOW OPINION** OF EVERY U.S. PRESIDENT TO SERVE IN OFFICE DURING MY **LIFETIME**.

...WE MUST FIGHT **CORPORATE FRAUD** FOR THE SAKE OF THE **CHILDREN**...

?!?

"THE CHILDREN"?

STOP **BABBLING!**

YA **BOOB!**

IT ALL STARTED BACK WHEN I WAS TEN WITH **LYNDON JOHNSON**, AND THE **VIETNAM WAR** WAS SPIRALLING **OUT OF CONTROL**...

...AH SHALL NOT SEEK **RE-ELECTION**...

GOOD!

YA **WAR MONGER!**

A YOUNG RADICAL

THE BEATLES

...AND EVER SINCE THEN I'VE NEVER LACKED FOR A REASON TO **LOATHE** EACH ONE OF HIS **SUCCESSORS**...

I AM **NOT** A CROOK!

NIXON (A CROOK)

POLAND IS **NOT** IN EUROPE!

FORD (A DOLT)

AH HAVE SINNED IN MY **HEART**...

CARTER (A WIMP)

THE **EVIL EMPIRE!**

REAGAN (SENILE)

SADDAM HUSSEIN IS A **BAD MAN!**

BUSH SR. (A CREEP)

AH DID NOT **EJACULATE** ON THAT WOMAN!

CLINTON (A SLEAZE)

SADDAM HUSSEIN **BAD! BAD!**

BUSH JR. (A DUMB CREEP!)

CURIOUSLY, WHEN I READ ABOUT **PAST PRESIDENTS** MANY OF THEM STRIKE ME AS **ADMIRABLE MEN**— AND I HAVE A PARTICULAR SOFT SPOT FOR SOME OF OUR MORE **MALIGNED** FORMER HEADS OF STATE.

WHY, THAT JAMES K. POLK GOT A **BUM RAP!**

A BLOKE NAMED POLK

MARTIN VAN WHO?

THOSE LAME DUCK ABAMSES

DON'T BLAME ME, I VOTED FOR HARRISON

IMPEACHED! THE ANDREW JOHNSON STORY

THE OTHER HARRISON

THE MAIN REASON FOR THIS MUST BE THAT I WASN'T AROUND TO **HEAR** ANY OF THE **POMPOUS, POLITICALLY MOTIVATED NOISES** THAT PAST PRESIDENTS ISSUED FOR **PUBLIC CONSUMPTION**.

FIFTY-FOUR FORTY OR FIGHT!

WHY, THAT POLK IS NAUGHT BUT A **WAR-MONGER!**

HUZZAH!

A VOTE FOR POLK IS A VOTE FOR MANIFEST DESTINY!

THIS REALIZATION MAKES ME CONSIDER **BITING MY TONGUE** THE NEXT TIME OUR CHIEF EXEC INDULGES IN SOME **SHAMELESS POSTURING**...

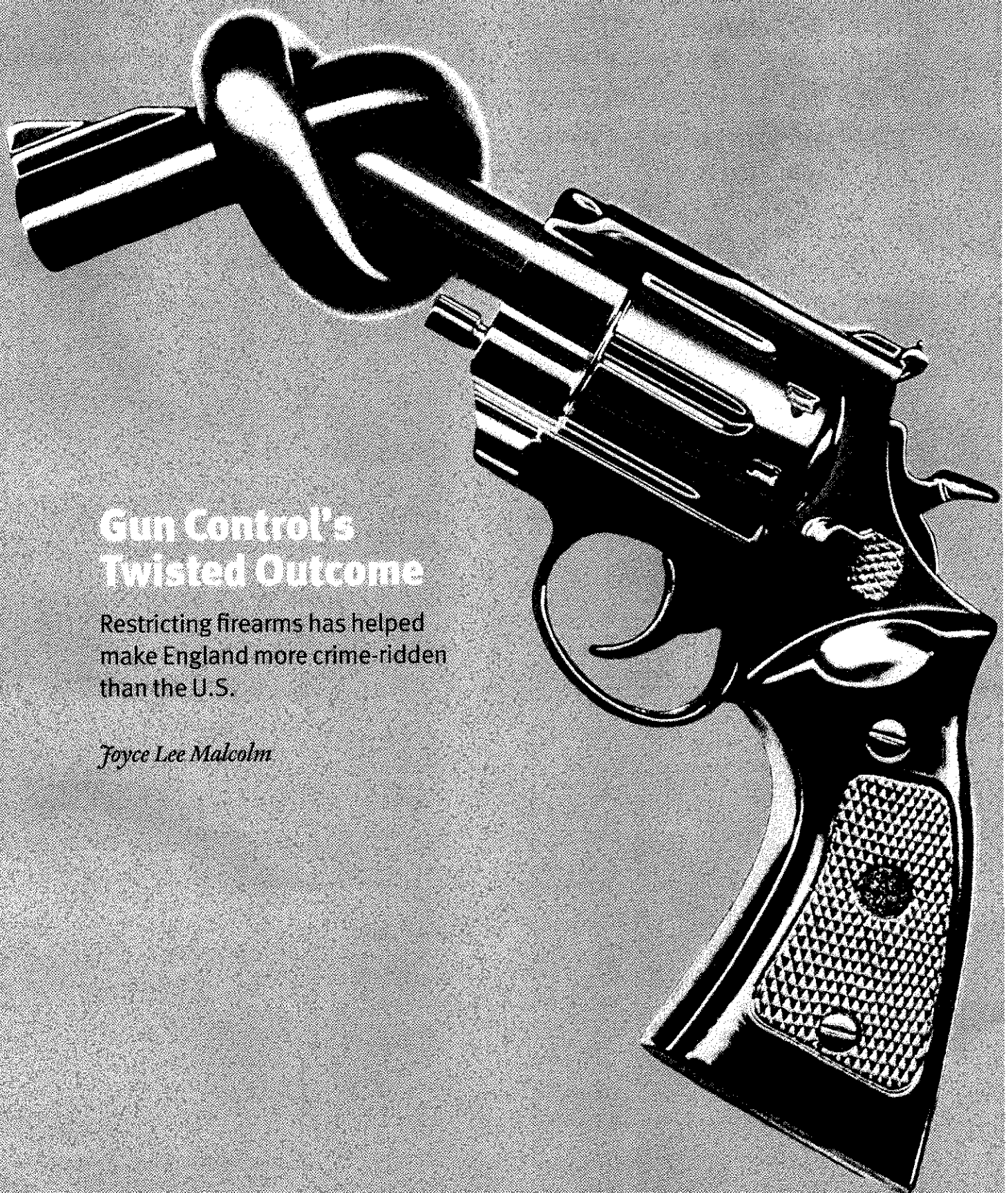
...WE MUST FIGHT **CHILD ABDUCTIONS**— FOR THE SAKE OF THE **CHILDREN!**

-MMPTH!-

-BLRF!-

...ALTHOUGH I MAY HAVE TO WAIT UNTIL THE **NEXT ADMINISTRATION** BEFORE I START.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Gun Control's Twisted Outcome

Restricting firearms has helped make England more crime-ridden than the U.S.

Joyce Lee Malcolm

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

On a June evening two years ago, Dan Rather made many stiff British upper lips quiver by reporting that England had a crime problem and that, apart from murder, "theirs is worse than ours." The response was swift and sharp. "Have a Nice Daydream," *The Mirror*, a London daily, shot back, reporting: "Britain reacted with fury and disbelief last night to claims by American newsmen that crime and violence are worse here than in the US." But sandwiched between the article's battery of official denials—"totally misleading," "a huge over-simplification," "astounding and outrageous"—and a compilation of lurid crimes from "the wild west culture on the other side of the Atlantic where every other car is carrying a gun," *The Mirror* conceded that the CBS anchorman was correct. Except for murder and rape, it admitted, "Britain has overtaken the US for all major crimes."

In the two years since Dan Rather was so roundly rebuked, violence in England has gotten markedly worse. Over the course of a few days in the summer of 2001, gun-toting men burst into an English court and freed two defendants; a shooting outside a London nightclub left five women and three men wounded; and two men were machine-gunned to death in a residential neighborhood of north London. And on New Year's Day this year a 19-year-old girl walking on a main street in east London was shot in the head by a thief who wanted her mobile phone. London police are now looking to New York City police for advice.

None of this was supposed to happen in the country whose stringent gun laws and 1997 ban on handguns have been hailed as the "gold standard" of gun control. For the better part of a century, British governments have pursued a strategy for domestic safety that a 1992 *Economist* article characterized as requiring "a restraint on personal liberty that seems, in most civilised countries, essential to the happiness of others," a policy the magazine found at odds with "America's Vigilante Values." The safety of English people has been staked on the thesis that fewer private guns means less crime. The government believes that any weapons in the hands of men and women, however law-abiding, pose a danger, and that disarming them lessens the chance that criminals will get or use weapons.

© Tim Bird/CORBIS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The results—the toughest firearm restrictions of any democracy—are credited by the world's gun control advocates with producing a low rate of violent crime. U.S. Supreme Court Justice Lewis Powell reflected this conventional wisdom when, in a 1988 speech to the American Bar Association, he attributed England's low rates of violent crime to the fact that "private ownership of guns is strictly controlled."

In reality, the English approach has not reduced violent crime. Instead it has left law-abiding citizens at the mercy of criminals who are confident that their victims have neither the means nor the legal right to resist them. Imitating this model would be a public safety disaster for the United States.

The illusion that the English government had protected its citizens by disarming them seemed credible because few realized the country had an astonishingly low level of armed crime even before guns were restricted. A government study for the years 1890–92, for example, found only three handgun homicides, an average of one a year, in a population of 30 million. In 1904 there were only four armed robberies in London, then the largest city in the world. A hundred years and many gun laws later, the BBC reported that England's firearms restrictions "seem to have had little impact in the criminal underworld." Guns are virtually outlawed, and, as the old slogan predicted, only outlaws have guns. Worse, they are increasingly ready to use them.

Nearly five centuries of growing civility ended in 1954. Violent crime has been climbing ever since. Last December, London's *Evening Standard* reported that armed crime, with banned handguns the weapon of choice, was "rocketing." In the two years following the 1997 handgun ban, the use of handguns in crime rose by 40 percent, and the upward trend has continued. From April to November 2001, the number of people robbed at gunpoint in London rose 53 percent.

Gun crime is just part of an increasingly lawless environment. From 1991 to 1995, crimes against the person in England's inner cities increased 91 percent. And in the four years from 1997 to 2001, the rate of violent crime more than doubled. Your chances of being mugged in London are now six times greater than in New York. England's rates of assault, robbery, and burglary are far higher than America's, and 53 percent of English burglaries occur while occupants are at home, compared with 13 percent in the U.S., where burglars admit to fearing armed homeowners more than the police. In a United Nations study of crime in 18 developed nations published in July, England and Wales led the Western world's crime league, with nearly 55 crimes per 100 people.

This sea change in English crime followed a sea change in government policies. Gun regulations have been part of a more general disarmament based on the proposition that people don't need to protect themselves because society will protect them. It also will protect their neighbors: Police advise those who witness a crime to "walk on by" and let the professionals handle it.

This is a reversal of centuries of common law that not only permitted but expected individuals to defend themselves, their families, and their neighbors when other help was not available. It was a legal tradition passed on to Americans. Personal security was ranked first among an individual's rights by William Blackstone, the great 18th-century exponent of the common law. It was a right, he argued, that no government could take away, since no government could protect the individual in his moment of need. A century later Blackstone's illustrious successor, A.V. Dicey, cautioned, "discourage self-help and loyal subjects become the slaves of ruffians."

But modern English governments have put public order ahead of the individual's right to personal safety. First the government clamped down on private possession of guns; then it forbade people to carry any article that might be used for self-defense; finally, the vigor of that self-defense was to be judged by what, in hindsight, seemed "reasonable in the circumstances."

The 1920 Firearms Act was the first serious British restriction on guns. Although crime was low in England in 1920, the government feared massive labor disruption and a Bolshevik revolution. In the circumstances, permitting the people to remain armed must have seemed an unnecessary risk. And so the new policy of disarming the public began. The Firearms Act required a would-be gun owner to obtain a certificate from the local chief of police, who was charged with determining whether the applicant had a good reason for possessing a weapon and was fit to do so. All very sensible. Parliament was assured that the intention was to keep weapons out of the hands of criminals and other

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The failure of English policy to produce a safer society is clear, but what of British jibes about "America's vigilante values" and our much higher murder rate?

dangerous persons. Yet from the start the law's enforcement was far more restrictive, and Home Office instructions to police—classified until 1989—periodically narrowed the criteria.

At first police were instructed that it would be a good reason to have a revolver if a person "lives in a solitary house, where protection against thieves and burglars is essential, or has been exposed to definite threats to life on account of his performance of some public duty." By 1937 police were to discourage applications to possess firearms for house or personal protection. In 1964 they were told "it should hardly ever be necessary to anyone to possess a firearm for the protection of his house or person" and that "this principle should hold good even in the case of banks and firms who desire to protect valuables or large quantities of money."

In 1969 police were informed "it should never be necessary for anyone to possess a firearm for the protection of his house or person." These changes were made without public knowledge or debate. Their enforcement has consumed hundreds of thousands of police hours. Finally, in 1997 handguns were banned. Proposed exemptions for handicapped shooters and the British Olympic team were rejected.

Even more sweeping was the 1953 Prevention of Crime Act, which made it illegal to carry in a public place any article "made, adapted, or intended" for an offensive purpose "without lawful authority or excuse." Carrying something to protect yourself was branded antisocial. Any item carried for possible defense automatically became an offensive weapon. Police were given extensive power to stop and search everyone. Individuals found with offensive items were guilty until proven innocent.

During the debate over the Prevention of Crime Act in the House of Commons, a member from Northern Ireland told his colleagues of a woman employed by Parliament who had to cross a lonely heath on her route home and had armed herself with a knitting needle. A month earlier, she had driven off a youth who tried to snatch her handbag by jabbing him "on a tender part of his body." Was it to be an offense to carry a knitting needle? The attorney general assured the M.P. that the woman might be found to have a reasonable excuse but added that the public should be discouraged "from going about with offensive weapons in their pockets; it is the duty of society to protect them."

Another M.P. pointed out that while "society ought to undertake the defense of its members, nevertheless one has to remember that there are many places where society cannot get, or cannot get there in time. On those occasions a man has to defend himself and those whom he is escorting. It is not very much consolation that society will come forward a great deal later, pick up the bits, and punish the violent offender."

In the House of Lords, Lord Saltoun argued: "The object of a weapon was to assist weakness to cope with strength and it is this ability that the bill was framed to destroy. I do not think any government has the right, though they may very well have the power, to deprive people for whom they are responsible of the right to defend themselves." But he added: "Unless there is not only a right but also a fundamental willingness amongst the people to defend themselves, no police force, however large, can do it."

That willingness was further undermined by a broad revision of criminal law in 1967 that altered the legal standard for self-defense. Now everything turns on what seems to be "reasonable" force against an assailant, considered after the fact. As Glanville Williams notes in his *Textbook of Criminal Law*, that requirement is "now stated in such mitigated terms as to cast doubt on whether it [self-defense] still forms part of the law."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The original common law standard was similar to what still prevails in the U.S. Americans are free to carry articles for their protection, and in 33 states law-abiding citizens may carry concealed guns. Americans may defend themselves with deadly force if they believe that an attacker is about to kill or seriously injure them, or to prevent a violent crime. Our courts are mindful that, as Justice Oliver Wendell Holmes observed, "detached reflection cannot be demanded in the presence of an upraised knife."

But English courts have interpreted the 1953 act strictly and zealously. Among articles found illegally carried with offensive intentions are a sandbag, a pickaxe handle, a stone, and a drum of pepper. "Any article is capable of being an offensive weapon," concede the authors of *Smith and Hogan Criminal Law*, a popular legal text, although they add that if the article is unlikely to cause an injury the onus of proving intent to do so would be "very heavy."

The 1967 act has not been helpful to those obliged to defend themselves either. Granville Williams points out: "For some reason that is not clear, the courts occasionally seem to regard the scandal of the killing of a robber as of greater moment than the safety of the robber's victim in respect of his person and property."

A sampling of cases illustrates the impact of these measures:

• In 1973 a young man running on a road at night was stopped by the police and found to be carrying a length of steel, a cycle chain, and a metal clock weight. He explained that a gang of youths had been after him. At his hearing it was found he had been threatened and had previously notified the police. The justices agreed he had a valid reason to carry the weapons. Indeed, 16 days later he was attacked and beaten so badly he was hospitalized. But the prosecutor appealed the ruling, and the appellate judges insisted that carrying a weapon must be related to an imminent and immediate threat. They sent the case back to the lower court with directions to convict.

• In 1987 two men assaulted Eric Butler, a 56-year-old British Petroleum executive, in a London subway car, trying to strangle him and smashing his head against the door. No one came to his aid. He later testified, "My air supply was being cut off, my eyes became blurred, and I feared for my life." In desperation he unsheathed an ornamental sword blade in his walking stick and slashed at one of his attackers, stabbing the man in the stomach. The assailants were charged with wounding. Butler was tried and convicted of carrying an offensive weapon.

• In 1994 an English homeowner, armed with a toy gun, managed to detain two burglars who had broken into his house while he called the police. When the officers arrived, they arrested the homeowner for using an imitation gun to threaten or intimidate. In a similar incident the following year, when an elderly woman fired a toy cap pistol to drive off a group of youths who were threatening her, she was arrested for putting someone in fear. Now the police are pressing Parliament to make imitation guns illegal.

• In 1999 Tony Martin, a 55-year-old Norfolk farmer living alone in a shabby farmhouse, awakened to the sound of breaking glass as two burglars, both with long criminal records, burst into his home. He had been robbed six times before, and his village, like 70 percent of rural English communities, had no police presence. He sneaked downstairs with a shotgun and shot at the intruders. Martin received life in prison for killing one burglar, 10 years for wounding the second, and a year for having an unregistered shotgun. The wounded burglar, having served 18 months of a three-year sentence, is now free and has been granted £5,000 of legal assistance to sue Martin.

The failure of English policy to produce a safer society is clear, but what of British jibes about "America's vigilante values" and our much higher murder rate?

Historically, America has had a high homicide rate and England a low one. In a comparison of New York and London over a 200-year period, during most of which both populations had unrestricted access to firearms, historian Eric Monkkonen found New York's homicide rate consistently about five times London's. Monkkonen pointed out that even without guns, "the United States would still be out of step, just as it has been for two hundred years."

Legal historian Richard Maxwell Brown has argued that Americans have more homicides because English law insists an individual should retreat when attacked, whereas Americans believe they have the right to stand their ground and kill in self-defense. Americans do have more latitude to protect themselves, in keeping with traditional common law standards, but that would have had less significance

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The English government has come perilously close to depriving its people of the ability to protect themselves at all, and the result is a more, not less, dangerous society.

before England's more restrictive policy was established in 1967.

The murder rates of the U.S. and U.K. are also affected by differences in the way each counts homicides. The FBI asks police to list every homicide as murder, even if the case isn't subsequently prosecuted or proceeds on a lesser charge, making the U.S. numbers as high as possible. By contrast, the English police "massage down" the homicide statistics, tracking each case through the courts and removing it if it is reduced to a lesser charge or determined to be an accident or self-defense, making the English numbers as low as possible.

The London-based Office of Health Economics, after a careful international study, found that while "one reason often given for the high numbers of murders and manslaughters in the United States is the easy availability of firearms...the strong correlation with racial and socioeconomic variables suggests that the underlying determinants of the homicide rate are related to particular cultural factors."

Cultural differences and more-permissive legal standards notwithstanding, the English rate of violent crime has been soaring since 1991. Over the same period, America's has been falling dramatically. In 1999 *The Boston Globe* reported that the American murder rate, which had fluctuated by about 20 percent between 1974 and 1991, was "in startling free-fall." We have had nine consecutive years of sharply declining violent crime. As a result the English and American murder rates are converging. In 1981 the American rate was 8.7 times the English rate, in 1995 it was 5.7 times the English rate, and the latest study puts it at 3.5 times. Preliminary figures for the U.S. this year show an increase, although of less than 1 percent, in the overall number of violent crimes, with homicide increases in certain cities, which criminologists attribute to gang violence, the poor economy, and the release from prison of many offenders. Yet Americans still enjoy a substantially lower rate of violent crime than England, without the "restraint on personal liberty" English governments have seen as necessary. Rather than permit individuals more scope to defend themselves, Prime Minister Tony Blair's government plans to combat crime by extending those "restraints on personal liberty": removing the prohibition against double jeopardy so people can be tried twice for the same crime, making hearsay evidence admissible in court, and letting jurors know of a suspect's previous crimes.

This is a cautionary tale. America's founders, like their English forebears, regarded personal security as first of the three primary rights of mankind. That was the main reason for including a right for individuals to be armed in the U.S. Constitution. Not everyone needs to avail himself or herself of that right. It is a dangerous right. But leaving personal protection to the police is also dangerous.

The English government has effectively abolished the right of Englishmen, confirmed in their 1689 Bill of Rights, to "have arms for their defence," insisting upon a monopoly of force it can succeed in imposing only on law-abiding citizens. It has come perilously close to depriving its people of the ability to protect themselves at all, and the result is a more, not less, dangerous society. Despite the English tendency to decry America's "vigilante values," English policy makers would do well to consider a return to these crucial common law values, which stood them so well in the past.

Joyce Lee Malcolm (jmalcolm@lnmta.bentley.edu), a professor of history at Bentley College and a senior adviser to the MIT Security Studies Program, is the author of Guns and Violence: The English Experience, published in May by Harvard University Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Tale of Many Jerusalems

What would a peaceful Middle East look like? A fable about politics, culture, and commerce.

Charles Paul Freund

Two elderly men with long gray beards were exhausting themselves beating on the door of Abu Simsim, a small-time confectioner of Jerusalem. Just how long the old men had been there they themselves could not have told you, but it was long enough so that their dignity was gone, their palms were sore, and their voices cracked and tired. Even so, Abu Simsim wouldn't answer.

"In the name of all that is righteous, Abu Simsim, open your shop! May God favor you and make you the father of many sons, but only if you unlock this door now!" Thus called the increasingly desperate Abu Zeid, a lifelong student of the mysteries of the spirit, a seeker of the truth, and a follower of the Path. Abu Zeid had followed the Path all his life, never dreaming that it would someday lead him to the door of a maker of sweets, much less one who was as lazy and good for nothing as this one. Indeed, one who would actually lock the door in his face. Abu Zeid groaned in frustration.

© Shutterstock

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"We beg you, Abu Simsim, for love of Abraham our father, to let us into your shop!" So beseeched Rabbi ben Ezra, the other old man, who was a finder of hidden meanings, a mathematician of the universe, and an initiate of the cabalistic Tree of Life. Through many years Rabbi ben Ezra had pondered the meaning of this Tree, never imagining that perched at its top would be a shop of sweets, much less one run by such a dog as this one. The rabbi tore at his beard and rattled the door by its handle. "Abu Simsim, for the sake of Jerusalem, sell us your halawa!"

"My halawa? For the sake of Jerusalem? Have you both awakened mad on the same morning?"

Abu Simsim was leaning out the second-floor window of his shop, staring down on the white hairs of the old mystics. At the sound of his voice they started, looking first left, then right, then finally craning their necks. At the sight of him, their eyes grew wide, and they embraced, murmuring, "God be praised." Abu Simsim slammed his shutters closed and disappeared again.

"Wait!" they shouted together. "Come back!" It was Rabbi ben Ezra, younger by a few seasons, who had the strength to call out, "Open up, dear Abu Simsim, or we'll break into your shop and *steal* your halawa."

The shutters slammed open again. "Tell me, oh fathers of wisdom, what is so wondrous about my halawa that you must steal it from me, lose your honor, and force my children to go hungry?"

Halawa in the Hashemite Kingdom

Ben Ezra and Abu Zeid exchanged glances. In fact, much depended on their obtaining some of his halawa, the more of it the better. But how could they tell him that? How could they tell him that they had had it in their grasp to transform Jerusalem, and make it at last into a city of peace! A dream of ages was at hand. All that was necessary was some of Abu Simsim's halawa.

"It's my fault," Abu Zeid said uneasily. "I...I cannot live without your halawa. It's like the nectar of Paradise!"

"May God favor you for saying so," answered the maker of sweets, "but you are lying. It is not at all like the nectar of Paradise. It is only crushed sesame, a lot of honey, and yet more sugar. Every confectioner in Jerusalem makes it the same way, though the Jewish ones call it 'halvah.' It leaves your mouth so coated that nothing quenches your thirst, and your fingers so oily that you dare touch nothing of value for hours. Everyone who gorges on it soon regrets his lack of judgment. And yet two worthy scholars threaten to break into my shop to obtain it. How can this be?"

"Truly," offered the rabbi while searching for his words, "your halawa is...unique. Only last night my daughter was praising it."

"But I know your daughter well, rabbi. May God grant her many years. She hates halawa more than I do. In any event, the shop is closed today."

"But how can you say such a horrible thing!"

"How? You know how, my learned teachers. Are we not in Jerusalem?"

"Of course we are."

"And have we not been part of the United Hashemite Kingdom of Greater Jordan lo these many years, thanks to our teachers the British?"

"We have been," responded the rabbi, "though it was a great surprise to my neighbors to find themselves Western Jordanians after the Second Great War, when after the First Great War they thought they'd be Southern Syrians."

"As you say," continued the confectioner. "And is not our kingdom in everlasting strife with our royal neighbors the Sauds?"

"It is," answered Abu Zeid while glancing around. "Our king, may he rule long and wisely, covets Hijaz, the land of the holy cities of Mecca and Medina ruled by his ancestors. He says that the kingdom was stolen from his family with the connivance of our teachers the British and given to a band of unworthy desert dwellers. In response, the Saudis send raiders across the Jordan border. These raids are supported by the Egyptians, who dislike the prospect of Hashemite power. Hashemite counterstrikes are likewise supported by Egypt, because Cairo distrusts Saudi influence. In return, both the Hashemites and the Saudis support the rebels in Sudan, or what Cairo calls the Southern Nile Valley."

"It is so," answered the confectioner. "And has not our king, may God grant him health and judgment, now declared himself Caliph and called a pilgrimage to Jerusalem in place of the one to Mecca?"

"He has," agreed the learned Abu Zeid. "He has based his act on the work of the sage Ya'qubi, who records that the Dome of the Rock was built as a place of pilgrimage by the Caliph Abd Al-Malik, who then forbade the pilgrimage to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mecca. Ya'qubi describes this as a power struggle between the Damascus caliphate and rebels in Arabia, and claims that for decades pilgrims circumambulated the Dome. But Ya'qubi wrote long after Abd Al-Malik ruled and is alone in making such a claim. Perhaps he made the story up."

"The issue," said the sweets maker, "has escaped from the mouths of scholars and is today in our streets, for the pilgrims are here, are they not?"

"They are," answered Abu Zeid, "though this Jerusalem Hajj is considered a great blasphemy by many. Indeed, many have come from beyond the kingdom."

"From where, oh father of answers?"

"Some are surely agents of our royal neighbors the Sauds and have come to spread discord in the land of their Hashemite rivals. Others are surely members of the Sura 17 Movement."

"And who are they?"

Dangerous Days

"They are a curious group," answered Abu Zeid, "opposed both to the Hashemites and to the Sauds, who say they want to save Jerusalem from religion and Islam from political intrigue. They call themselves after the Koranic chapter that describes the journey to Heaven of the Prophet, peace be upon him. Of course, the sura says that this Night Journey to Paradise begins at the 'further mosque,' and the understanding of the sages is that the 'further mosque' is here. But the Movement always demands to be shown where Sura 17 says anything about Jerusalem. The true 'further mosque,' they insist, transcends mere space. Anyway, they are here to spread disorder as well. They spread trouble wherever they go."

"And will anyone else be spreading trouble, oh men of understanding?"

"My expectation," said Ben Ezra, "is that the Zionist underground will stage an attack. Zionists have felt betrayed since our teachers the British handed Palestine over to the Hashemites in advance of the expected partition. The British realized that the promises they'd made to all the region's parties were hopelessly irreconcilable. When the Hashemite Amir of Transjordan offered the Jews an autonomous region, our teachers the British jumped at it. Noting that their Balfour Declaration promised only a "national home" for the Jews, and not a state, they declared their commitment fulfilled. Besides, they argued, a newborn Israel would never survive the inevitable attack from all sides. In this spirit, they helped Jordan's king subdue the armed Zionist groups who had been terrorizing British forces. Immigration ceased, and most Jews gradually moved to their ancestral lands in Jericho, Hebron, and elsewhere on the West Bank. This pacification was so successful that there are Zionist bombings nearly every week, along with continual strikes, civil disobedience, and all manner of disruptions aimed at achieving a sovereign state. The underground will almost surely take advantage of the king's Jerusalem Hajj to make a major strike here in the city."

Abu Simsim applauded sarcastically. "Bravo, my teachers. Because you are men of sagacity, you have explained better than I ever could why my shop will remain shuttered. The city is packed with pilgrims, all of whom may be agents. Between one good tiding and another, this is the most dangerous day in Jerusalem since Richard the Lionheart was born."

"But that is precisely why you must let us into your shop without further delay!"

"Each man must respond to adversity as he deems best. You are learned men, and you believe you should eat dessert. But I am a simple confectioner, and I have been packing my bags. I'm taking my family to safety."

A hole opened in space, and the head of a lavishly decorated elephant poked out. It wore a gold ring in its flapping left ear and a great red fez atop its head. "I see," said the elephant, "that you have returned empty-handed."

"May you find peace, oh sweets maker without equal. But before you go, for the sake of our beloved city sell us your halawa!"

"There is no more halawa. For weeks, you have bought every slab that I could make, though I worked day and night. I have no idea what you are doing with it, but I now have enough money to take my family to Detroit. I'm finished with halawa."

"Finished? Don't joke like this. What will become of us?"

Abu Simsim smiled. "May God look after you as he looks after all fools and madmen. Peace be with you." He slammed the shutters.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The two old men stood dumbstruck. "This is not auspicious," said the rabbi.

"It is in God's hands," answered Abu Zeid. "Let us return and ask our...our 'colleague' to fulfill his pledge anyway."

"He won't be pleased," said the rabbi.

"He already knows," answered Abu Zeid.

The Djinn of Jerusalem

The learned sheikh was right. As the old men entered the house of Abu Zeid, a hole opened in space, and the head of a lavishly decorated elephant poked out. It wore a gold ring in its flapping left ear and a great red fez atop its head.

"I see," said the elephant, "that you have returned empty-handed."

"As you foresaw that we would even before we left," answered Abu Zeid.

"Yeah," agreed the beast. "That's true." He trumpeted loudly, and the hole in space suddenly closed. The next-door neighbor banged angrily on the wall.

"In fact," Abu Zeid continued, "you probably put it into the confectioner's head that he should leave, so as to cancel our arrangement. You types are nothing but trouble."

"Maybe I did," came a voice behind the old sages. When they turned they saw a great ape, with earring and fez, smoking a hubbly-bubbly. "But if so, it was not to cancel our arrangement so much as to sharpen it."

"I don't understand you," said the unhappy rabbi. "I never do."

"No doubt you would understand me better," replied the beast, "if I emerged each day in a cloud of smoke from an Aladdin's Lamp, wearing pointy shoes. That is because you are, at heart, an Orientalist. Look, you have something I want very much. To obtain it, I have agreed to grant you any three of your desires, as is the custom of my 'types.' But I have a lot of experience in this game. If there's one thing I've learned, it's that you guys can never make up your minds. For weeks, you have been arguing about exactly what to ask of me. You agree only that you want me to create an alternate Jerusalem, one that is peaceful and happy. But how?"

"By removing the colonialists from its history," cried the sheikh. "The mess we're in is their fault."

"Nonsense! By subtracting the Ottomans from its past," insisted the rabbi. "They left us all backward and ignorant."

"You see?" said the beast wearily. "It's everybody else's fault. Gents, much as I've enjoyed hearing you argue over the finer points of historical causality for the past several weeks, I need to hurry things along a bit. That's why I stipulated that you must supply me with Abu Simsim's singularly tasty halawa. But this time I'll overlook my disappointment."

"And what has halawa to do with historical causation?" asked the sheikh.

"If I may give you a hint," the ape replied while adjusting his fez, "I suggest that you ask for a Jerusalem where I can obtain the best halawa whenever I please. Order me to create a Jerusalem where Abu Simsim longs to remain, rather than one he seeks to flee."

"Don't listen to him!" cried the rabbi. "It's more trickery!"

The house was suddenly rocked by an explosion. The street outside quickly filled with screaming pilgrims running in one direction, and soldiers running in the other.

The ape raised his brows. "Gentlemen?"

Abu Zeid looked at ben Ezra. "Syria?" Ben Ezra rolled his eyes and shrugged his shoulders.

The ape looked at Abu Zeid. "You want a Jerusalem that is part of Syria?"

"That would have been its post-Ottoman fate had not outsiders intervened, wouldn't it?"

"Is that what the Palestinian leadership expected?" asked the ape between puffs.

"Who?"

"You know, the people who live here."

"Except for the Zionists, yes."

"So to you Jerusalem's fate is an issue of political geography?"

"To me and to the rest of the world," answered Abu Zeid, "it's a question of nationalism. Thus, I command you to reshape the history of our city in that manner."

"No more details than that, oh sheikh?" asked the beast calmly.

"Wait. Perhaps religion should be a private matter this time. But no outside influences! It is a city true to its traditions."

The ape smirked. "That's it?" Another bomb exploded.

"Yes. Hurry."

"Calm yourself, Abu Zeid. We'll all take a nap, now. When we awake, it will be this morning again, but in the city you have described. I ask only one reward for my backbreaking labors."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Oh no!" the old men cried together.

"Oh yes. When we awake, you will please obtain for me a slab of Abu Simsim's unparalleled halawa." Sirens could now be heard wailing throughout the city.

"Agreed. Hurry."

"In that case, gentlemen," said the beast, spreading hands that were much more like feet, "your wish is my command."

A Day in Great Syria

"But Abu Simsim," asked a forlorn ben Ezra, "*why* won't you open your shop?"

It was, as promised, again the morning of the same day. The confectioner again stared down from his second-story window at the two old men on the sidewalk below. They again stared back. They were, again, crestfallen.

"Why?" Abu Simsim replied. "But how can you ask why? I'm taking my family out of harm's way. You worthy scholars should leave as well."

"You're going to Detroit?" asked ben Ezra.

"No, to El Paso. Why Detroit?"

"Never mind," interjected Abu Zeid. "But why would anyone harm your respectable family?"

"Oh men of lofty wisdom, lift your noses from your books. Do we not live in Great Syria?"

"Do we?" wondered Abu Zeid. "Ah, good. Of course we do."

"And are we not bombarded daily with the lessons of 'Syrianism' as opposed to 'Arabism'?"

"Are we?" asked Abu Zeid. "Well, perhaps we are. Wait! Great Syria isn't under the influence of that troublemaker Anton Sa'adeh, is it?" Abu Zeid turned to the rabbi. "We've been tricked again! It's another catastrophe!"

Abu Simsim continued. "But esteemed gentlemen, Anton Sa'adeh is the father of Great Syria, because he has saved us from the Arabs! Did he not teach us that we of the Fertile Crescent are a people unlike our worthless neighbors the Arabs?"

"So he did," nodded Abu Zeid. "He insisted that by history and culture we are a separate race, different from and superior to the people of the Arabian peninsula, who are the only 'real' Arabs. Are such ideas believed?"

The confectioner stared down at him. "Happy is he who can withdraw his spirit so completely from a world as troubled as this one. The rest of us, however, must find a way to survive in it."

"Tell me more, oh father of sons yet to be born," said Abu Zeid courteously.

"Is this the time for lectures? The world is ending. The Sa'adist party says we are natural Syrians, not only in the Fertile Crescent, but in Iraq and even in Cyprus. But many Christians of the Lebanon deny this, and argue that they are really Phoenicians, in their poetry as in their politics. As for the people of Amman, they have decided they are actually the same Nabaeteans who built Petra. Meanwhile, in Egypt, there has been much talk of Pharoanism as the true genius of Nile culture, as is argued in the esteemed work of Tawfiq al-Hakim."

"So the Syrians are not Arabs?" asked Abu Zeid.

"Obviously not," answered the confectioner.

"And the people of Egypt, Amman, Iraq, and the Lebanon, they are not Arabs, either?"

"No, they are not."

"Are there no Arabs at all?" asked Abu Zeid.

"Of course there are. According to the Sa'adists, there are too many Arabs. They live in their oil-rich peninsula. The Sa'adists call them 'jackasses with moneybags.'"

Abu Zeid blanched. "But that's... racism!"

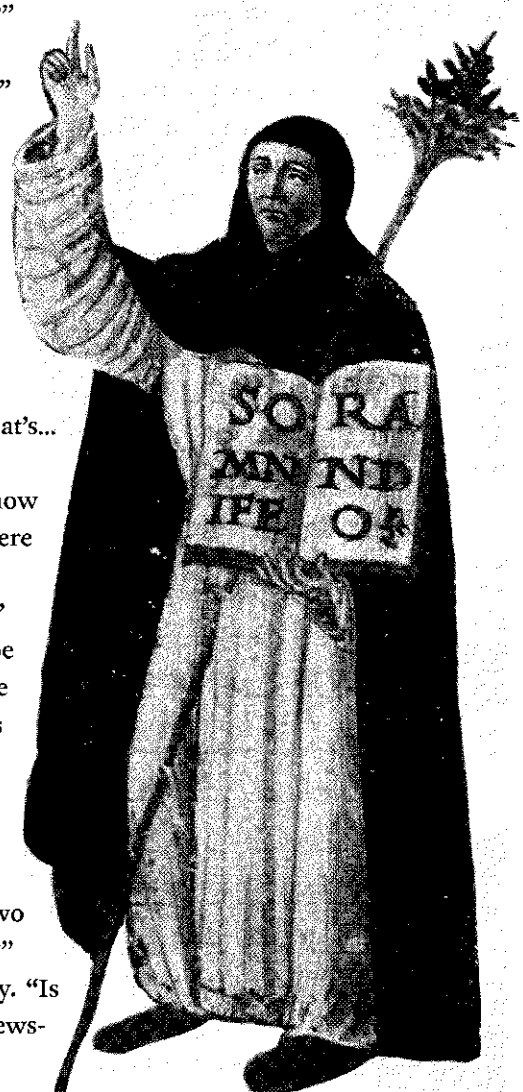
"They think so, too. And now the Arabs are on their way here with their armies."

"The Saudis are invading?"

"Why should the Saud tribe invade? It is the Hashemite kingdom of the Holy Places that is marching to reinstall its dynasty in Damascus."

Abu Zeid was startled. "You mean, because the Hashemite King Feisal ruled Syria for two years after the First Great War?"

Abu Simsim smiled wanly. "Is that when you last read the newspapers, uncle?"



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"And have the invading Hashemites any support?"

"Indeed they do. The fundamentalist Muslim Brotherhood believes that Sa'adism, Phoenicianism, Nabaeteanism, and Pharoanism are all threats to the faith because they seek pre-Islamic roots. They believe that the Hashemite Guardian of the Holy Shrines will put an end to such movements. In support of the invasion, they have been terrorizing the city from within. Cairo, on the other hand, dislikes the prospect of Hashemite hegemony spreading from the Peninsula to the Levant and is expected to move in support of Sa'adist Damascus. In other words, between one glad tiding and another, this is the most dangerous day in the city since the birth of Humphrey the Hammer."

"Who?" asked ben Ezra. "Oh, never mind. Just one more thing. I assume you have no more halawa in your closed shop, and that for weeks we have been buying all you could make, even though you worked day and night. Now that you are leaving, you are finished with halawa forever. Right?"

"How is it," answered the confectioner, "that even as the world crumbles, the one subject on which you are well informed is my halawa?"

"Peace be with you," answered the rabbi. "May God grant your family refuge."

"And may He guide your steps into the future," replied Abu Simsim.

"Would that He had guided our steps into the past," answered Abu Zeid.

The confectioner looked at them quizzically. But then his wife's angry voice could be heard berating and hurrying him, and he slammed his shutters. The old men slouched toward the house of Abu Zeid.

Worlds Without End, Amen

"I warned you," the rabbi finally muttered as they entered the house, "not to bother with Syria."

"Don't talk to me that way," snapped Abu Zeid. "Anyway, we both know what alternate you'd choose, and it's not going to happen!"

They stopped in their tracks. In the kitchen was a man preparing halawa. He bent at his work with his back to the door, but they recognized the shape of Abu Simsim.

"*Ahlan wa sahlan*," said a surprised but pleased Abu Zeid. My house is your house.

The man in the kitchen turned to greet them. With true horror, the old men saw that he had the features of Abu Simsim, except that in the place of the confectioner's nose there was the trunk of an elephant. He smiled, raised his trunk, and emitted an ear-splitting trumpeting. The next-door neighbor pounded the wall.

"Oh. It's you."

"Indeed it is," came the answer. The djinn put on his red fez and turned his head to show his dangling earring. "It occurred to me that the only way I'd ever get any of Abu Simsim's tasty halawa is if I created it myself, so of course I have assumed his shape for the time being. Certainly, *you* would never come back with anything to eat."

"And is that our fault?"

"Of course it is. But here, the first batch is ready. I've made enough for us all. No, I insist! Just take one bite."

Ben Ezra slumped into a chair and took a square. His eyes lit up. "You're right!" he said with a full mouth. "This is wonderful. How is it I've never had any before?"

"But you have!" replied the creature. "In most alternate Jerusalems, you are a veritable connoisseur. Just not in this one. Anyway, it's important that you relax and be in a good mood, so you can think clearly. This Jerusalem is not at peace, either, is it? You have only one more chance."

"One?" shouted Abu Zeid, spewing his second halawa square. "You said we have three chances. We should have *two* more."

"You did have three chances," said the djinn. "You've already used two."

"What are you talking about? So far, we asked only for this Syrian debacle." Abu Zeid reached for yet more halawa.

"No," answered the beast calmly. "You asked for the Hashemite debacle, too. You started out in the surviving Crusader kingdom of Outremer. You were both born there."

Abu Zeid was dumbfounded. "Born in a Crusader kingdom? Me? I remember no such thing, though I recall the Hashemites clearly. This is another of your tricks to cheat us and get Solomon's Ring with less trouble!"

"Simsim" wagged his trunk impatiently. "Not that you'll understand this, but your memories are dependent on timestream crossover. You've lost Outremer because you are so far from its timestream, yet you are knowledgeable of each

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

different world you enter because you exist there. Anyway, I'll ignore your unworthy accusation despite my hurt feelings. Besides, if I wanted to cheat you, why wouldn't I simply claim that you'd used up all your chances?" He looked at the old men. "*You have one scenario remaining,*" he repeated.

"So who chose the Hashemite scenario?" asked the rabbi.

"You did. It was a compromise with your friend," answered the djinn, nodding to Abu Zeid. That venerable old man chewed and looked on silently with drooping eyes. "You thought that at least Islam would be more tolerant than unsecularized Crusaders, and you were right. There had been neither a Renaissance nor an Enlightenment nor modernization in Outremer. Things are difficult there. The Latin Christians and the Greek Christians are always in conflict. They even hide each other's saints. The Coptic clergy is forced to sleep on the roof of the Church of the Holy Sepulcher, which the Protestants don't accept as authentic anyway."

"And were we forced to ask for a different Jerusalem by yet another impending crisis?" asked ben Ezra.

"Yes. On your last day in Outremer, the Christians had claimed that the Dome of the Rock, overseen by all parties in a hopelessly complicated arrangement, was built originally as a Byzantine church."

"How could they claim that?"

"Because it is octagonal, a known Byzantine shape shared by no other early Islamic structures."

"So what? The Arab conquerors used local Byzantine builders."

"I see that you remember more of your first world than you think. But some Muslims threatened to blow it up rather than be turned out of it. Anyway, it was good to get away because in that Jerusalem Abu Simsim makes his halawa in the Greek style, which is far too dry and crumbly."

Abu Zeid began snoring loudly.

The rabbi raised his brows and nodded toward his old friend. "The halawa?" "Simsim" nodded his trunk.

"Why?" asked ben Ezra.

"Because you have the Ring."

The rabbi nodded in return. A bomb exploded nearby. "How many Jerusalems are there?" the rabbi asked.

"Far more than even I could ever see. I visited many in my search for one Jerusalem in which the Ring survived."

"And how is it that I have it?"

"The Knights Templar found it; your ancestors received it from them. The details must remain a secret between myself and my colleague Baphomet, who befriended the Templars."

A Question of Identity

The rabbi shrugged sleepily. "And are any of your other Jerusalems happy and at peace?"

"That depends on things that you and I cannot agree on. Some Jerusalems think themselves quite happy but are headed for disasters that they cannot see but that I can. Still, there is an interesting class of Jerusalems that have something in common."

"And it is?"

"A state of being; a tale the people tell themselves about themselves. A question of identity."

The rabbi was surprised. "Of identity?"

"Yes. Or, more properly, identities. In these Jerusalems, the people don't define themselves in opposition to others whom they consider their mortal enemies. Rather, each citizen defines himself on his own terms."

The ring slowly slid off the rabbi's hand and rose in midair. The djinn grinned a grin so wide that it spread to his very ears and beyond. Then he adjusted his tarbouche, which began to emit light.

The rabbi shook his head and tried to keep his eyes open. "No, there is something you cannot know. In Jerusalem, the people always define themselves according to revealed Truth. You wouldn't see that."

There was another explosion; the djinn winced. "But the problem isn't a matter of revealed Truth, it's a matter of exclusionism. The challenge is to separate the two."

"And how is that done?"

"That's what I've been trying to tell you! In my search for you, I visited many Middle Easts. In one, the Egyptian dynasty of Muhammad Ali Pasha had survived."

"The 19th-century khedive under the Ottomans?"

"Yes, in your memory, the dynasty that freed Egypt of Ottoman control in all but name. These autocrats began to modernize the country. True, their reforms gave them the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

control of the whole nation and everyone in it, but despite their malevolent intentions, the logic of their reforms might have led to interesting alternatives."

"But one of them borrowed so heavily from our teachers the British that London ended up in control of the country. Then the British wouldn't leave."

"In your world, yes. The result was that emerging Egyptian nationalism, which had been anti-Ottoman and, by implication, modernist, naturally became anti-British instead. But in an alternate Cairo, there were no British overseers controlling the country, and it is very different there. Egypt eventually became a prosperous Mediterranean power. You see, the Middle East turns on the axis of identity and opposition. Why, in your world, do most Christian Maronites lean toward the West, while many Greek Orthodox Christians do not?"

"Why?"

The Last Wish

"Both groups had outside 'protectors' from Europe looking after their interests and their holy places. But the European 'protectors' of the Orthodox didn't protect them at all; they rejected them as brethren. The result was that many Orthodox ended up identifying with the other local interests against the West. With the Maronites, outside protectors really did serve their interests against their local enemies. Opposition and identity. Identity and opposition."

"And you can put an end to all that?" asked the wary rabbi.

"Not me, no," came the answer. "That's Abu Simsim's work. The real one, with his own nose, who keeps leaving Jerusalem. Or I should say, it is the work of many Abu Simsims. A city filled with Abu Simsims is a nation of shopkeepers, busy pursuing their ends and perceiving their neighbors not as the embodiment of enmity but with quite a different attitude: Call it bourgeois empathy."

Ben Ezra struggled to keep his eyes open. "There's one possible Jerusalem that I want to ask you about, but I've suddenly become so tired."

"I know, old man. You want to know if there are any Jerusalems ruled by Jews. Yes, there are several. One of them is the leading military power in the region."

Ben Ezra started. "Is that good?"

"They'd tell you that it's necessary." The beast was about to say more, but when he looked at the rabbi he saw that ben Ezra was now fully asleep. He added quietly, "But that's not where I'll send you. Forgive me, but your remaining scenario is the last wish I will ever fulfill. Allow me to make it for you." His gaze shifted to the ring on the rabbi's finger, which slowly slid off his hand and rose in midair. The djinn grinned a grin so wide that it spread to his very ears and beyond. Then he adjusted his tarbouche, which began to emit light.

A moment later the next-door neighbor heard an enormous trumpeting, but this time instead of banging on the wall he put his ear to it. He heard a lot of sibilant murmuring, but could make out only a few words. At one moment, he thought he heard the words "Third Temple," while in another set of rapid whisperings he made out the phrase, "the Night of Power." The neighbor sweated through a period of silence, then heard a booming shout, "Free!" That was followed by a trumpeting so loud that it threw the neighbor to the floor.

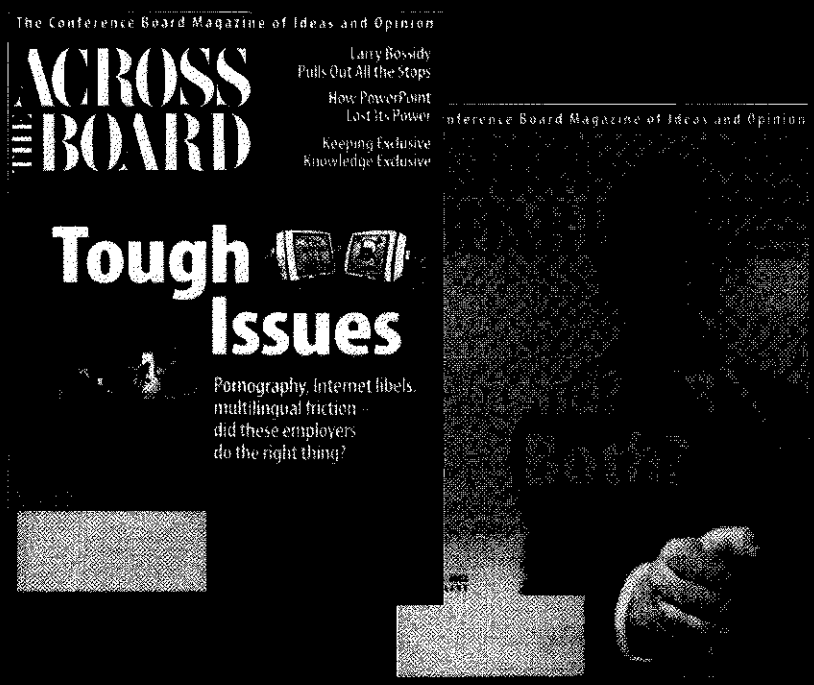
He scrambled to his feet and ran for an imam, who didn't believe a word the neighbor was telling him. Nevertheless, the imam followed him back to the house of Abu Zeid. The two men found the building entirely empty, yet with a pan of halawa baking in the oven. The imam frowned, said prayers against the evil of darkness when it gathers, and, dodging soldiers, bullets, and bombs, returned thoughtfully home. ◻

Charles Paul Freund (cpf@reason.com) is a **reason** *senior editor.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE CONFERENCE BOARD


The Conference Board Magazine of Ideas and Opinion
ACROSS THE BOARD
Larry Bossidy Pulls Out All the Stops
How PowerPoint Lost Its Power
Keeping Exclusive Knowledge Exclusive
Tough Issues
Pornography, Internet libels, multilingual friction – did these employers do the right thing?
Bath?

CAN YOU REALLY AFFORD NOT TO READ...

"the best and most concise collection of relevant material for the business world extant today"?

That's what one of our readers had to say about *Across the Board*. For more than a quarter century, we have been getting ahead of—and behind—the headlines, concentrating on leading-edge issues and exploring them in depth. We bring fresh insights into operational matters, technological innovations, financial trends, HR policies, and a whole spectrum of other issues that are part of the ever-changing management agenda.

Published by The Conference Board, the world's leading global business network and research organization for top management, *Across the Board* is business journalism that goes beyond the ordinary. No other business publication serves up such a potent combination of practical management advice and challenging ideas in such a readable—and sometimes irreverent—style.

If you look for more than "conventional wisdom" in business matters, check out *Across the Board*. You won't be disappointed.

ACROSS THE BOARD

Visit www.AcrosstheBoardmagazine.com for more information, and sign up to get a sample issue.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Urine—or You're Out

Drug testing is invasive, insulting, and generally irrelevant to job performance. Why do so many companies insist on it?

Jacob Sullum

"I ain't gonna pee-pee in no cup, unless Nancy Reagan's gonna drink it up."
—from the 1987 song "I Ain't Gonna Piss in No Jar," by Mojo Nixon

In 1989 the U.S. Supreme Court upheld a drug test requirement for people seeking Customs Service positions that involved carrying a gun, handling classified material, or participating in drug interdiction. Justice Antonin Scalia dissented, calling the testing program an "immolation of privacy and human dignity in symbolic opposition to drug use." Scalia noted that the Customs Service policy required people to perform "an excretory function traditionally shielded by great privacy" while a monitor stood by, listening for "the normal sounds," after which "the excretion so produced [would] be turned over to the Government for chemical analysis." He deemed this "a type of search particularly destructive of privacy and offensive to personal dignity."

Six years later, Scalia considered a case involving much the same procedure, this time imposed on randomly selected athletes at a public high school. Writing for the majority, he said "the privacy interests compromised by the process of obtaining the urine sample are in our view negligible."

Last March the Supreme Court heard a challenge to a broader testing program at another public high school, covering students involved in any sort of competitive extracurricular activity, including chess, debate, band, choir, and cooking. "If your argument is good for this case," Justice David Souter told the school district's lawyer, "then your argument is a fortiori good for testing everyone in school." Scalia, who three months later would join the majority opinion upholding the drug test policy, did not seem troubled by that suggestion. "You're dealing with minors," he noted.

That factor helps explain Scalia's apparent equanimity at the prospect of subjecting every high school student to a ritual he had thought too degrading for customs agents. But his nonchalance also reflects the establishment of drug testing as an enduring fact of American life. What was once the "immolation of privacy and human dignity" is now business as usual.

While the government has led the way, the normalization of drug testing has occurred mainly in the private sector, where there are no constitutional barriers to the practice. Today about half of all U.S. employers require applicants, workers, or both to demonstrate the purity of their bodily fluids by peeing into a cup on

© Jonathan Cavendish/CORBIS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

demand. For defenders of liberty, this situation arouses mixed feelings.

On the one hand, freedom of contract means that businesses should be allowed to set whatever conditions they like for employment. People who don't want to let Home Depot or Wal-Mart sample their urine can take their labor elsewhere. The fact that drug testing is widespread suggests either that applicants and employees do not mind it much or that it enhances profits enough to justify the extra cost of finding and keeping workers, along with the direct expense of conducting the tests.

Today about half of all U.S. employers require applicants, workers, or both to demonstrate the purity of their bodily fluids by peeing into a cup on demand.

On the other hand, the profit motive is clearly not the only factor driving the use of drug testing. Through mandates and exhortation, the government has conscripted and enlisted employers to enforce the drug laws, just as it has compelled them to enforce the immigration laws. In 1989 William Bennett, then director of the Office of National Drug Control Policy, cited drug testing by employers as an important element of the government's crackdown on recreational users. "Because anyone using drugs stands a very good chance of being discovered, with disqualification from employment as a possible consequence," he said, "many will decide that the price of using drugs is just too high." The Institute for a Drug-Free Workplace, a coalition that includes companies that supply drug testing services as well as their customers, echoes this line. "Employers and employees have a large stake and legitimate role to play in the 'war on drugs,'" the institute argues. "A high level of user accountability...is the key to winning the 'war on drugs.'"

Why Test?

Federal policies requiring or encouraging drug testing by private employers include transportation regulations, conditions attached to government contracts, and propaganda aimed at convincing companies that good corporate citizens need to take an interest in their workers' urine. From the government's perspective, it does not matter whether this urological fixation is good for a company's bottom line. And given the meagerness of the evidence that drug testing makes economic sense, it probably would be much less popular with employers if it were purely a business practice rather than a weapon of prohibition. If it weren't for the war on drugs, it seems likely that employers would treat marijuana and other currently illegal intoxicants the way they treat alcohol, which they view as a problem only when it interferes with work.

Civilian drug testing got a big boost in 1986, when President Reagan issued an executive order declaring that "drugs will not be tolerated in the Federal workplace." The order asserted that "the use of illegal drugs, on or off duty," undermines productivity, health, safety, public confidence, and national security. In addition to drug testing based on "reasonable suspicion" and following accidents, Reagan authorized testing applicants for government jobs and federal employees in "sensitive positions." Significantly, the order was based on the premise that "the Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces." Two years later, Congress approved the Drug-Free Workplace Act of 1988, which demanded that all federal grant recipients and many contractors "maintain a drug-free workplace." Although the law did not explicitly require drug testing, in practice this was the surest way to demonstrate compliance.

Private employers, especially big companies with high profiles and lucrative government contracts (or hopes of getting them), soon followed the government's lead. In its surveys of large employers, the American Management Association found that the share with drug testing programs increased from 21 percent in 1987 to 81 percent in 1996. A 1988 survey by the Bureau of Labor Statistics estimated that drug testing was required by 16 percent of work sites nationwide. Four years later, according to a survey by the statistician Tyler Hartwell and his colleagues, the share had increased to nearly half. In the 1997 National Household Survey on Drug Abuse (the source of the most recent nationwide data), 49 percent of respondents said their employers required some kind of drug testing.

As many as 50 million drug tests are performed each year in this country, generating revenue in the neighborhood of $1.5 billion. That's in addition to the money earned by specialists, such as consultants and medical review officers, who provide related services. Drug testing mainly affects pot smokers, because marijuana is much more popular than other illegal drugs and has the longest detection window. Traces of marijuana can be detected in urine for three or more days after a single dose, so someone who smoked a joint on Friday night could test positive on Mon-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

day morning. Daily marijuana smokers can test positive for weeks after their last puff. Because traces linger long after the drug's effects have worn off, a positive result does not indicate intoxication or impairment. (See sidebar.)

The relevance of such test results to job performance is by no means clear. But in the late 1980s and early '90s, government propaganda and alarmist press coverage combined to persuade employers that they could no longer rely on traditional methods for distinguishing between good and bad workers. "When employers read in *Time* and *Newsweek* and *U.S. News & World Report* that there was an epidemic of drug abuse in America, they got scared like everyone else," says Lewis Maltby, president of the National Workrights Institute and a leading critic of drug testing. "They didn't want some pothead in their company causing a catastrophe and killing someone. Drug testing was the only answer that anyone presented to them, so they took it." Because drug testing was seen as an emergency measure, its costs and benefits were never carefully evaluated. "Most firms are understandably rigorous about making major investment decisions," Maltby says, "but drug testing was treated as an exception."

My interviews with officials of companies that do drug testing—all members of the Institute for a Drug-Free Workplace—tended to confirm this assessment. They all seemed to feel that drug testing was worthwhile, but they offered little evidence to back up that impression.

Link Staffing Services, a Houston-based temp agency, has been testing applicants since the late 1980s. "In the industry that we are in," says Amy Maxwell, Link's marketing manager, "a lot of times we get people with

Testing Limits

Alternatives to drug screening

Jacob Sullum

In the 1980s, when everyone was talking about the dangers posed by addicts in the workplace, Lewis Maltby was executive vice president and general counsel of Drexelbrook Engineering, a Pennsylvania company that designs and manufactures control systems for toxic chemicals. "This company makes a product that, if it doesn't work properly, could cause a Bhopal in the United States," says Maltby, now president of the National Workrights Institute. "Almost every job in the company is safety-sensitive."

Not surprisingly, Drexelbrook considered drug testing. Maltby, long active with the American Civil Liberties Union, was leery of the idea, but he could not deny that the company needed to make sure that its products were assembled properly. Ultimately, he says, "we decided that drug testing was a red herring. The real issue was building an organization that inherently produces quality and reliability."

That meant paying careful attention to every step of the process, including recruitment, hiring, training, supervision, and quality assurance. "We had a very systematic, company-wide program to make sure that everything we did was right," Maltby says. "If we had drug testing, it just would have been a distraction from the real business of safety."

Maltby's experience at Drexelbrook convinced him that drug testing was not the right answer even for employers with serious safety concerns. As an alternative, he has tried to promote impairment testing. Unlike urinalysis, which detects traces of drugs long after their effects have worn off, impairment testing is aimed at assessing an employee's current fitness for duty. The idea is to identify employees who are not up to snuff, whether the cause is illegal drugs, alcohol, medication, illness, personal troubles, or inadequate sleep.

Several different systems are currently available, including an electronic shape recognition test and a device that measures the eye's response to light. But Maltby was able to identify only 18 employers that have ever used such systems, and he suspects the total is not more than 25.

One reason impairment testing has never caught on is its lack of a track record, which poses something of a Catch-22. Although it seems to address safety concerns more directly than urinalysis does, employers are not inclined to adopt a new technology without solid evidence that it works—unless, like drug testing, it has the government's stamp of approval. That factor is especially important for federally regulated industries such as aviation and trucking, where employers who adopted impairment testing would still have to do drug tests.

Impairment testing also could raise new problems for employers, workers, and unions. "The information that impairment testing provides is the information that employers most need, but employers wouldn't know what to do with it," Maltby argues. "Running any kind of a business, you know 5 percent of your employees are showing up not really on the ball every day: sick kids, colds, divorces, death in the family, drugs, alcohol, hangovers. Figuring out what to do about 5 percent of your employees being unfit to work every day is a monumental challenge."

Michael Walsh, a Maryland-based drug testing consultant, calls impairment testing "sort of a holy grail." It's a sound idea in theory, he says, but "I haven't seen a good one that is usable....I have never seen any data that would convince a general audience of scientists that this is the way to go." But then, the same could be said of drug testing. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

undesirable traits, and drug testing can screen them out real quick." In addition to conducting interviews and looking at references, the company does background checks, gives applicants a variety of aptitude tests, and administers the Link Occupational Pre-employment Evaluation, a screening program that "helps identify an applicant's tendency towards characteristics such as absenteeism, theft and dishonesty, low productivity, poor attitude, hostility, and drug use or violence." Although the drug testing requirement may help impress Link's customers, it seems unlikely that urinalysis adds something useful to the information from these other screening tools. Asked if drug testing has affected accident rates or some other performance indicator, Maxwell says, "We probably don't track that, because we have other things that [applicants] have to pass."

It's a rare employer who refuses to hire drinkers. When it comes to illegal drugs, by contrast, the rule is zero tolerance: Any use, light or heavy, on duty or off, renders an applicant or worker unfit for employment.

Eastman Kodak, which makes photographic supplies and equipment, tests all applicants in the U.S. but tests employees (except for those covered by Department of Transportation regulations) only when there's cause for suspicion of drug-related impairment. Wayne Lednar, Eastman Kodak's corporate medical director, says safety was the company's main concern when it started doing drug testing in the 1980s. "Our safety performance has substantially improved in the last 10 years on a worldwide basis, not just in the United States," Lednar says. "That improvement, however, is not one [for which] the drug testing approach in the U.S. can be the major explanation. A very large worldwide corporation initiative driven by line management is really what I think has made the difference in terms of our safety performance."

David Spratt, vice president for medical services at Crown Cork & Seal, a Philadelphia-based packaging manufacturer, says that when the company started doing drug testing in the early 1990s, "there was a concern that employees who used drugs were more likely to have problems in the workplace, be either the perpetrators or the victims of more accidents or more likely to be less productive." But like Eastman Kodak, Crown Cork & Seal does not randomly test employees; once they're hired, workers can use drugs without getting into trouble, as long as they do their jobs well. "What drives our concern is work performance," Spratt says. "If there is such a thing [as] 'recreational use,' we would probably not find that out."

Asked if the company has any evidence that drug testing has been effective, Spratt says: "That's not typically the way these things start out. They typically start out with, 'We gotta do drug testing, because the guy up the street is doing drug testing, and the people who walk in and see his sign will come down and sign up with us for a job.' We're going to get the skewed.... They will be a different group who may be less than desirable."

Margot Brown, senior director of communications and public affairs at Motorola, which makes semiconductors, cell phones, and two-way radios, says that when the company started doing drug testing in 1988, "They were trying to control the quality of their products and the safety of their work force." Asked whether the goals were accomplished, she says: "Our productivity per employee did go up substantially.... Who knows if that was coincidental or not? Those were good years for Motorola."

Phantom Figures

As those remarks suggest, drug testing became broadly accepted without any firm evidence that it does what it's supposed to do: improve safety, reduce costs, and boost productivity. "Despite beliefs to the contrary," concluded a comprehensive 1994 review of the scientific literature by the National Academy of Sciences, "the preventive effects of drug-testing programs have never been adequately demonstrated." While allowing for the possibility that drug testing could make sense for a particular employer, the academy's panel of experts cautioned that little was known about the impact of drug use on work performance. "The data obtained in worker population studies," it said, "do not provide clear evidence of the deleterious effects of drugs other than alcohol on safety and other job performance indicators."

It is clear from the concessions occasionally made by supporters of drug testing that their case remains shaky. "Only limited information is available about the actual effects of illicit drug use in the workplace," admits the Drug-Free America Foundation on its Web site. "We do not have reliable data on the relative cost-effectiveness of various types of interventions within specific industries, much less across industries. Indeed, only a relatively few studies have

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

attempted true cost/benefit evaluations of actual interventions, and these studies reflect that we are in only the very early stages of learning how to apply econometrics to these evaluations."

Lacking solid data, advocates of drug testing tend to rely on weak studies and bogus numbers. The Office of National Drug Control Policy, for example, claims a 1995 study by Houston's Drug-Free Business Initiative "demonstrated that workplace drug testing reduces injuries and worker's compensation claims." Yet the study's authors noted that the "findings concerning organizational performance indicators are based on numbers of cases too small to be statistically meaningful. While they are informative and provide basis for speculation, they are not in any way definitive or conclusive, and should be regarded as hypotheses for future research."

Sometimes the "studies" cited by promoters of drug testing do not even exist. Quest Diagnostics, a leading drug testing company, asserts on its Web site that "substance abusers" are "3.6 times more likely to be involved in on-the-job accidents" and "5 times more likely to file a worker's compensation claim." As Queens College sociologist Lynn Zimmer has shown, the original source of these numbers, sometimes identified as "the Firestone Study," was a 1972 speech to Firestone Tire executives in which an advocate of employee assistance programs compared workers with "medical-behavioral problems" to other employees. He focused on alcoholism, mentioning illegal drugs only in passing, and he cited no research to support his seemingly precise figures. Another number from the Firestone speech appears on the Web site of Roche Diagnostics, which claims "substance abusers utilize their medical benefits 300 percent more often than do their non-using co-workers."

Roche also tells employers that "the federal government estimates" that "the percentage of your workforce that has a substance abuse problem" is "about 17 percent." This claim appears to be a distortion of survey data collected by the National Institute of Mental Health (NIMH). As summarized by the American Psychiatric Association, the data indicate that "nearly 17 percent of the U.S. population 18 years old and over will fulfill criteria for alcohol or drug abuse in their lifetimes." By contrast, Roche is telling employers that 17 percent of the population meets the criteria *at any given time*. Furthermore, the vast majority of the drug abusers identified by the NIMH were alcoholics, so the number does not bolster the case for urinalysis aimed at catching illegal drug users.

According to a study published last February in the *Archives of General Psychiatry*, less than 8 percent of the adult population meets the criteria for "any substance use disorder" in a given year, and 86 percent of those cases involve alcohol. The study, based on data from the National Comorbidity Survey, found that 2.4 percent of respondents had a "substance use disorder" involving a drug other than alcohol in the previous year. So Roche's figure—which is also cited by other companies that profit from drug testing, such as RapidCup and eVeriTest—appears to be off by a factor of at least two and perhaps seven, depending upon whether "substance abuse problem" is understood to include alcohol.

Drinking Problems

This ambiguity seems to be deliberate. To magnify the size of the problem facing employers, the government and the drug testing industry routinely conflate illegal drugs with alcohol. But it's clear that employers are not expected to treat drinkers the way they treat illegal drug users. Although drinking is generally not allowed on company time, few employers do random tests to enforce that policy. In 1995, according to survey data collected by Tyler Hartwell and his colleagues, less than 14 percent of work sites randomly tested employees for alcohol. And while 22 percent tested applicants for alcohol, such tests do not indicate whether someone had a drink, say, the night before. In any case, it's a rare employer who refuses to hire drinkers.

When it comes to illegal drugs, by contrast, the rule is zero tolerance: Any use, light or heavy, on duty or off, renders an applicant or worker unfit for employment. "With alcohol, the question has always been not 'Do you consume?' but 'How much?'" notes Ted Shults, chairman of the American Association of Medical Review Officers, which trains and certifies physicians who specialize in drug testing. "With the illegal drugs, it's always, 'Did you use it?'"

The double standard is especially striking because irresponsible drinking is by far the biggest drug problem affecting the workplace. "Alcohol is the most widely abused drug among working adults," the U.S. Department of Labor notes. It cites an estimate from the Substance Abuse and Mental Health Services Administration that alcohol accounts for 86 percent of the costs imposed on businesses by drug abuse.

In part, the inconsistency reflects the belief that illegal drug users are more likely than drinkers to become addicted and to be intoxicated on the job. There is no evidence to support either assumption. The vast majority of pot smokers, like the vast majority of drinkers, are occasional or

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

moderate users. About 12 percent of the people who use marijuana in a given year, and about 3 percent of those who have ever tried it, report smoking it on 300 or more days in the previous year. A 1994 study based on data from the National Comorbidity Survey estimated that 9 percent of marijuana users have ever met the American Psychiatric Association's criteria for "substance dependence." The comparable figure for alcohol was 15 percent.

According to the testing industry, however, any use of an illegal drug inevitably leads to abuse. "Can employees who use drugs be good workers?" Roche asks in one of its promotional documents. Its answer: "Perhaps, for awhile. Then, with extended use and abuse of drugs and alcohol, their performance begins to deteriorate. They lose their edge. They're late for work more often or they miss work all together....Suddenly, one person's drug problem becomes everyone's problem." This equation of use with abuse is a staple of prohibitionist propaganda. "It is simply not true," says the Drug-Free America Foundation, "that a drug user or alcohol abuser leaves his habit at the factory gate or the office door." The message is that a weekend pot smoker should be as big a worry as an employee who comes to work drunk every day.

The equation of drug use with abuse is a staple of prohibitionist propaganda. "It is simply not true," says the Drug-Free America Foundation, "that a drug user or alcohol abuser leaves his habit at the factory gate or the office door."

Employers respond to the distinctions drawn by the government. Under the Americans With Disabilities Act, for example, alcoholics cannot be penalized or fired without evidence that their drinking is hurting their job performance. With illegal drugs, however, any evidence of use is sufficient grounds for disciplinary action or dismissal.

A Crude Tool

A more obvious reason government policy shapes employers' practices is that many do not want to hire people who break the law. A positive urinalysis "proves someone has engaged in illegal behavior," observes drug testing consultant Michael Walsh, who headed the task force that developed the federal government's drug testing guidelines. "All companies have rules, and this is a way of screening out people who are not going to play by the rules." He concedes that "you are going to rule out some people who would have made really good employees, and you are going to let in some people who make lousy employees." Still, he says, "in a broad way, it's a fairly decent screening device."

Perhaps the strongest evidence in support of drug testing as a screening device comes from research involving postal workers conducted in the late 1980s. A study reported in *The Journal of the American Medical Association* in 1990 found that postal workers who tested positive for marijuana when they were hired were more prone to accidents, injuries, absences, disciplinary action, and turnover. The differences in these rates were relatively small, however, ranging from 55 percent to 85 percent. By contrast, previous estimates had ranged from 200 percent for accidents to 1,500 percent for sick leave. "The findings of this study suggest that many of the claims cited to justify pre-employment drug screening have been exaggerated," the researchers concluded.

Even these comparatively modest results may be misleading. The study's methodology was criticized on several grounds, including an accident measure that gave extra weight to mishaps that occurred soon after hiring. A larger study of postal workers, reported the same year in the *Journal of Applied Psychology*, confirmed the finding regarding absenteeism but found no association between a positive pre-employment drug test and accidents or injuries. On the other hand, workers who had tested positive were more likely to be fired, although their overall turnover rate was not significantly higher.

It's hard to know what to make of such findings. As the National Academy of Sciences noted, "drug use may be just one among many characteristics of a more deviant lifestyle, and associations between use and degraded performance may be due not to drug-related impairment but to general deviance or other factors." On average, people who use illegal drugs may be less risk-averse or less respectful of authority, for example, although any such tendencies could simply be artifacts of the drug laws.

In any case, pre-employment tests, the most common kind, do not catch most drug users. Since people looking for a job know they may have to undergo a drug test, and since the tests themselves are announced in advance, drug users can simply abstain until after they've passed. For light users of marijuana, the drug whose traces linger the longest, a week or two of abstinence is probably enough.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pot smokers short on time can use a variety of methods to avoid testing positive, such as diluting their urine by drinking a lot of water, substituting someone else's urine, or adulterating their sample with masking agents. "Employers are very concerned that there's always a way to cheat on a drug test," says Bill Current, a Florida-based drug testing consultant. "The various validity testing methods that are available are always one step behind the efforts of the drug test cheaters."

Generally speaking, then, drug users applying for jobs can avoid detection without much difficulty. "The reality is that a pre-employment drug test is an intelligence test," says Walsh. The people who test positive are "either addicted to drugs, and can't stay away for two or three days, or just plain stupid....Employers don't want either of those." Alternatively, applicants who fail a drug screen may be especially reckless or lazy. In short, it's not safe to draw conclusions about drug users in general from the sample identified by pre-employment tests. By the same token, however, such tests may indirectly measure characteristics of concern to employers.

The upshot of all this is something that neither supporters nor opponents of drug testing like to admit: Even if drug use itself has little or no impact on job performance—perhaps because it generally occurs outside the workplace—pre-employment testing still might help improve the quality of new hires. If so, however, it's a crude tool. As an index of undesirable traits, testing positive on a drug test could be likened to having a tattoo. Refusing to hire people with tattoos might, on balance, give a company better employees, but not because tattoos make people less productive or more prone to accidents.

How Much?

Maltby, president of the National Workrights Institute, argues that such benefits are too speculative to justify drug testing, and he believes employers are starting to realize that. "Times are tougher than they were 15 years ago," he says. "Money is tighter, and employers are scrutinizing all of their expenditures to see if they are really necessary. Initially, in the late '80s or early '90s, employers looked at drug testing and said, 'Why not?' Now employers look at drug testing like everything else and say, 'Where's the payoff?' And if nobody sees a payoff, programs get cut—or, more often, cut back."

One example is Motorola, which has seen its profits slide recently and plans to eliminate a third of its work force by the end of the year. When Motorola started doing drug testing, the company's communications director says, "The cost wasn't really a factor because we really felt like it was something we should attend to at the time." But Motorola recently scaled back its urinalysis program, which for a decade included random testing of employees; now it tests only applicants.

Motorola's decision may be part of a trend. The share of companies reporting drug testing programs in the American Management Association's surveys of large employers dropped from a peak of 81 percent in 1996 to 67 percent last year. Some of that drop may reflect a new questionnaire the organization started using in 1997. The new survey is less focused on testing, which could have changed the mix of companies that chose to participate. But the downward trend continued after 1997.

Once drug testing became common, it acquired a certain inertia: Employers who didn't do it worried that they might be at a disadvantage in attracting qualified workers or maintaining a positive public image. Employers who did it worried that stopping would hurt their recruitment or reputations. Yet without abandoning drug testing completely, a company can save money by giving up random tests. Even if it keeps random tests, it can save money by testing less frequently—the sort of change that would not be widely noticed.

Still, one reason drug testing endures is that it does not cost very much, especially from the perspective of a large employer. Eastman Kodak, which has more than 100,000 employees worldwide, pays just $12 to $15 per test. Even considering additional expenses (such as the medical review officer's time), and even with thousands of applicants a year, the total cost is a drop in the bucket. Drug tests cost Cork Crown & Seal, which has nearly 40,000 employees worldwide, $25 to $30 per applicant, for a total of less than $100,000 a year. Motorola, which will have about 100,000 employees after this year's cutbacks, spent something like $1 million a year when it was doing random testing of employees—still not a significant concern to a corporation with billions of dollars in revenue (at least, not until profits took a dive).

Small companies, which have always been less inclined to do drug testing, have to pay more per test and are less able to afford it. They also have lower profiles. "If G.M. were to be on the front page of *The Wall Street Journal*, announcing that they dropped their drug testing program, I wouldn't want to own their stock," Maltby says. He recalls a conversation in which the president of a *Fortune* 500 company told him that a few million dollars a year was a small price to pay for

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the reassurance that drug testing gives stockholders.

The direct costs of drug testing are not the whole story, however. Wayne Sanders, CEO of the paper products giant Kimberly-Clark, has to keep shareholders in mind, but he also worries about the message that drug testing sends to employees. In 1986, when Sanders was the company's head of human resources, managers pressured him to start doing drug testing, arguing that otherwise Kimberly-Clark would get all the addicts rejected by other employers. According to *The Dallas Morning News*, Sanders, "who wasn't about to pee in a bottle," thought the notion was "utter bunk." He successfully argued that "the idea of urine testing was demeaning and completely alien in a culture based on trust and respect."

One executive who "wasn't about to pee in a bottle" successfully argued that "the idea of urine testing was demeaning and completely alien in a culture based on trust and respect."

There is some evidence that the atmosphere created by drug testing can put employers at a disadvantage. A 1998 *Working USA* study of 63 high-tech companies found that pre-employment and random drug testing were both associated with *lower* productivity. The researchers, economists at Le Moyne College in Syracuse, speculated that drug testing programs may create a "negative work environment" that repels qualified applicants and damages employee morale.

The Familiarity Factor

Yet survey data suggest that most Americans have gotten used to the idea that their urine may be part of the price they pay to get or keep a job. In the National Household Survey on Drug Abuse, the share of employees who said they would be less likely to work for a business that tested applicants fell from 8 percent in 1994 to 5 percent in 1997. Random testing of employees was somewhat less popular, with 8 percent saying it would be a negative factor in 1997, compared to 14 percent in 1994. Even among current users of illegal drugs, only 22 percent said pre-employment testing would make a job less appealing in 1997 (down from 30 percent in 1994), while 29 percent said random testing would (down from 40 percent in 1994)—which suggests how ineffective testing is at identifying drug users.

For those who object to drug testing, the natural tendency is to give in and take the test, on the assumption that a few protests are not likely to change a well-established business practice. But in jobs that require a high level of training or experience, even one person's objection can make a difference. An executive with a global management consulting company says he discussed his use of psychedelics with senior management early on "because I didn't want any negative repercussions later." When the company considered starting a drug testing program, he recalls, "I said, 'I'm not going to subject myself to mandatory testing because I don't have a problem. You know I don't have a problem, so testing me is not going to fly. And I think testing a bunch of people you pay upper five figures to mid to upper six figures is silly.'...The idea was dropped. I like to think I had some impact on that."

A former librarian who works in sales for a publisher of reference works says he was offered an appealing job with another publisher but balked at taking a drug test, although he has not used illegal drugs in years. He told the company, "I want to take this job, but I can't take a drug test. I think it's invasive. I think it's insulting." The employer dropped the requirement, telling him he could instead sign a statement saying that he doesn't use illegal drugs. Although he ended up not taking the job, he sees the experience as evidence that applicants can have more impact than they might think. "Every single person I've talked with [about drug testing], they don't like it, but they concede," he says. "Even when they say, 'I don't have anything to hide,' they say, 'I really don't like this, but I want the job.'"

Since it sharply reduces the cost that has to be weighed against the uncertain benefits of drug testing, this willingness to go along may be the most important reason, aside from the drug laws, that the practice endures. When push comes to shove, even those who recognize the political roots of drug testing are not inclined to take a stand. A strategic marketer in her 20s who used a variety of drugs in college and still smokes pot occasionally says her attitude toward drug testing has changed. "I think maybe three years ago I would have said, 'Fuck the man. No way am I taking a drug test. I'm standing up for my principles,'" she says. "But now I have to pay my rent, and I have to figure out what's important to me in life: Do I want a really nice apartment, or do I want to hold onto my principles?" ※

Senior Editor Jacob Sullum (jsullum@reason.com) is the author of a book on the morality of drug use, forthcoming in June from Tarcher/Putnam.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

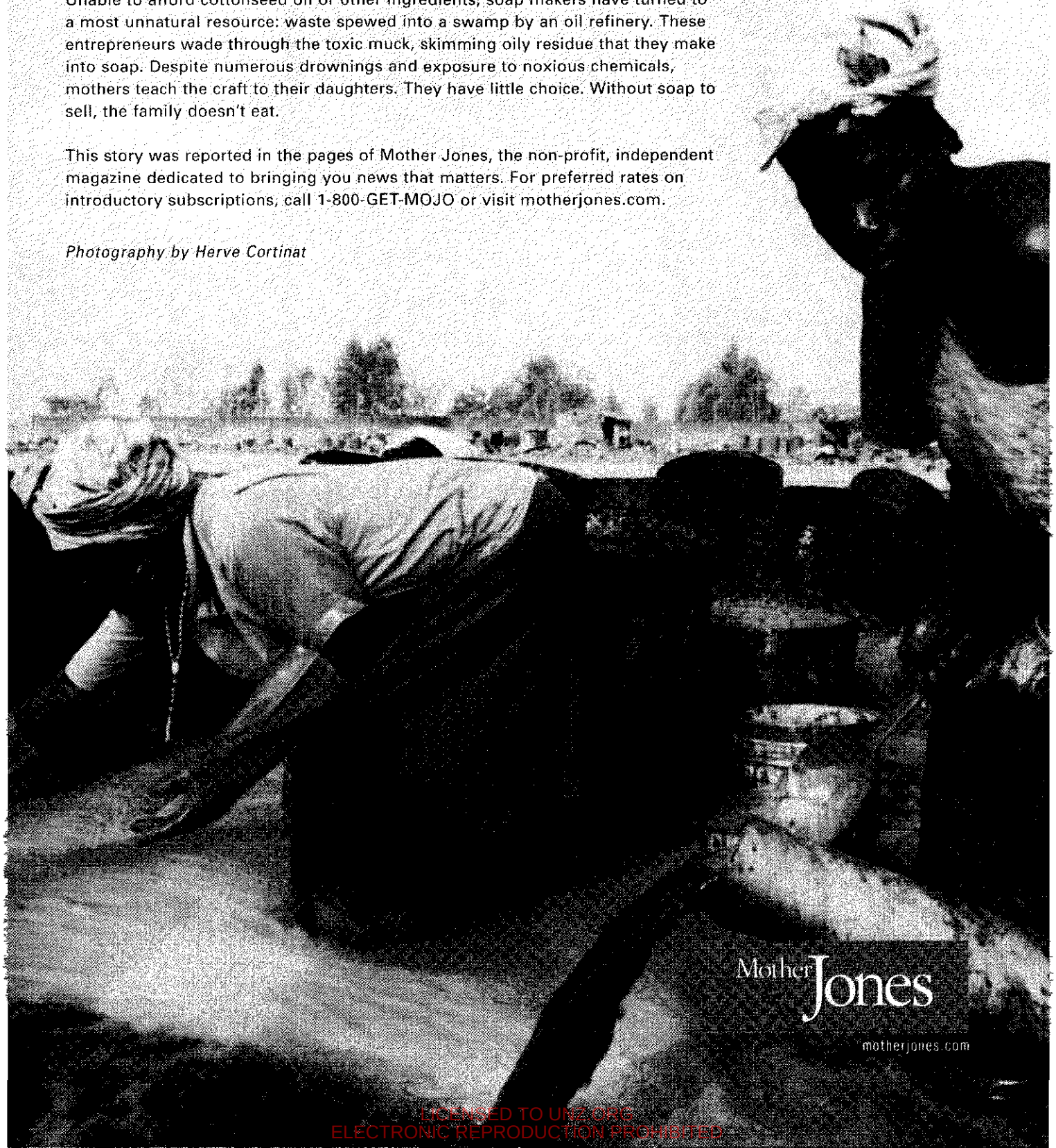
WHILE MAINSTREAM NEWS WAS BUSY COVERING "SURVIVOR" THE TV SHOW, THE WOMEN OF BURKINA FASO WERE PLAYING IT FOR REAL.

With celebrity fluff and infotainment often masquerading as "news," you're less likely to hear about desperate places like Burkina Faso, a West African nation where more than 50% of the people live in poverty.

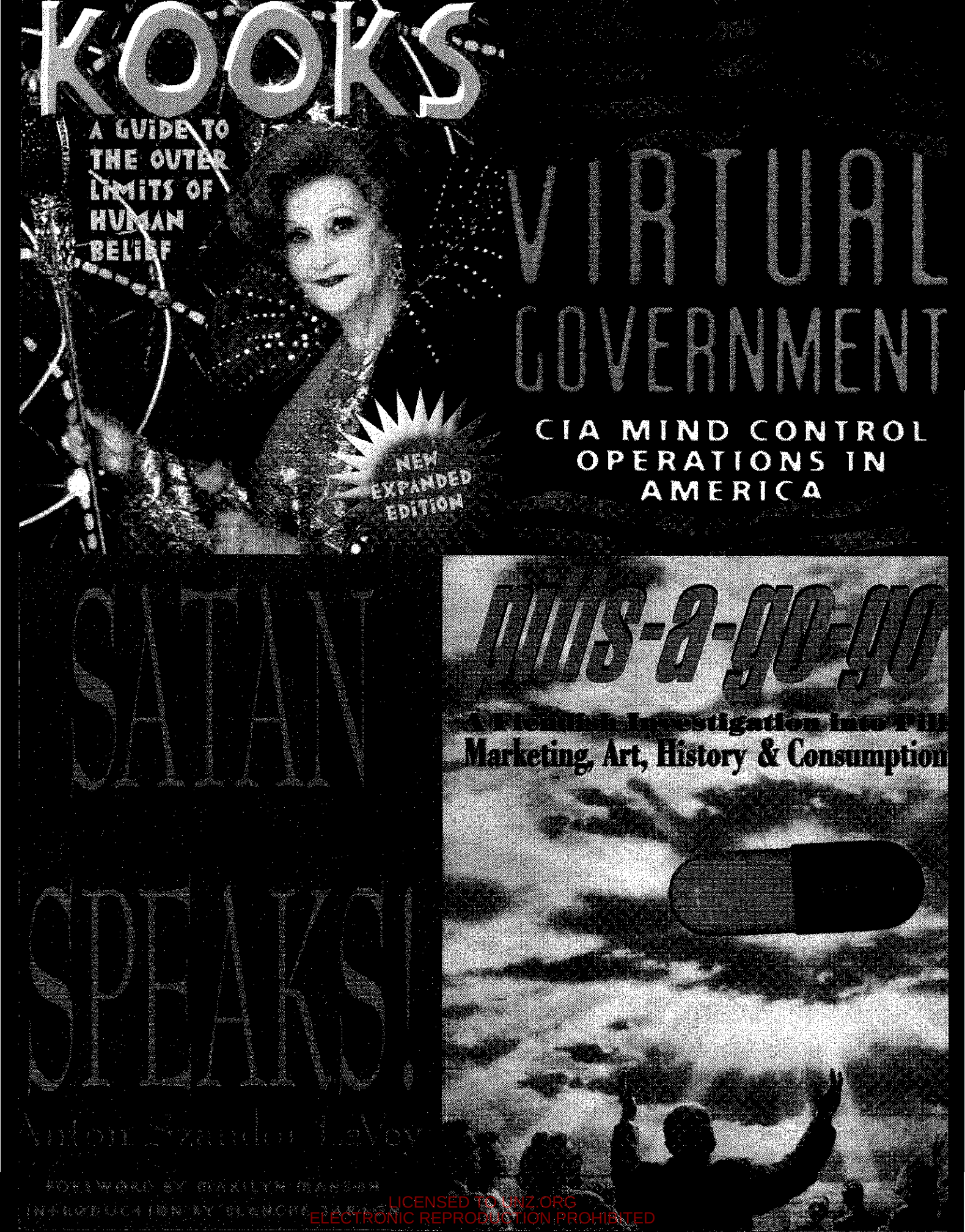
Unable to afford cottonseed oil or other ingredients, soap makers have turned to a most unnatural resource: waste spewed into a swamp by an oil refinery. These entrepreneurs wade through the toxic muck, skimming oily residue that they make into soap. Despite numerous drownings and exposure to noxious chemicals, mothers teach the craft to their daughters. They have little choice. Without soap to sell, the family doesn't eat.

This story was reported in the pages of Mother Jones, the non-profit, independent magazine dedicated to bringing you news that matters. For preferred rates on introductory subscriptions, call 1-800-GET-MOJO or visit motherjones.com.

Photography by Herve Cortinat



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


KOOKS
A GUIDE TO THE OUTER LIMITS OF HUMAN BELIEF
NEW EXPANDED EDITION
VIRTUAL GOVERNMENT
CIA MIND CONTROL OPERATIONS IN AMERICA
SATAN SPEAKS!
Marketing, Art, History & Consumption

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Publishing's Feral Child

Adam Parfrey sheds light on the dark sides of life.

Interviewed by Brian Doherty

NOT MANY BOOK publishers have been lauded as "equal parts P.T. Barnum, Rod Serling and Hegel," but that's how *Salon* glowingly characterized Adam Parfrey, the force behind the eccentric Los Angeles–based publishing concern known as Feral House. ("Feral House" because, as its slogan says, it "refuses to be domesticated.") Parfrey founded the company a dozen years ago and has carved out a comfortable market niche by specializing in strange and often uncomfortable material. Feral House's stock in trade includes journalistic and scholarly looks at serial killers, Satanists, and conspiracy theory.

As befits an L.A. publisher, the Feral House book *Nightmare of Ecstasy: The Life and Art of Edward D. Wood Jr.* was made into the well-received 1994 Tim Burton–directed movie *Ed Wood*. Three other Feral House books recently have been optioned by film production companies: *Lords of Chaos* (about the criminal shenanigans of "black metal" musicians and fans), *The Octopus* (about the mysterious death of Danny Casolaro, a writer investigating a government conspiracy), and *Sex and Rockets* (the life story of Jet Propulsion Lab founder and occult adept Jack Parsons).

Parfrey says his goal is to act as "a facilitator for the important and overlooked." Yet he bridles at being written off as "underground." Indeed, the wide open feel of the contemporary cultural scene makes distinctions between the margins and the center less and less important. And larger, more mainstream culture has long noted what Parfrey has accomplished.

Along with likening him to the eclectic threesome of Barnum, Serling, and Hegel, *Salon* called *Apocalypse Culture*, a 1987 anthology he conceived and edited before starting Feral House, "a prescient anticipation of millennial times, focusing on many subjects soon to become dear to the hearts of Gen Xers and assorted underground types: body play, occultism, secret societies, Armageddon, man-as-machine, the writings of Hakim Bey....The tome was adopted by freaks everywhere as their bible." (Amazon.com calls the same volume "a fixture on the bookshelves of every Tom, Pierced Dick, and Harry.") "We need publishers like Feral House," implored novelist and critic Gary Indiana in a recent *Los Angeles Times* piece—"quirky, brave (and maybe just a little bent)."

Feral House has grown from a one-man bedroom operation to a firm occupying a suite of offices in downtown L.A. with three full-time and three part-time employees, and ever-growing media attention and sales. It is a vivid example of how a free market in culture multiplies opportunities for authors and readers alike. Beholden only to its owner and audience—not to commissars in the public, nonprofit, and high-culture sectors—Feral House provides information and viewpoints that may alarm or even disgust many. It is able to thrive (or not) precisely to the degree that it provides entertainment or edification for all who care to partake.

Parfrey, 45, grew up in Los Angeles. He's the son of character actor

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Woodrow Parfrey, who appeared in *Planet of the Apes* and, as a member of Clint Eastwood's informal repertory company, in movies such as *Dirty Harry* and *Bronco Billy*. Prior to launching Feral House, Parfrey was co-founder of the short-lived Amok Books.

Parfrey has said that "upsetting people is a beautiful thing. Because it gets people to think beyond their last visit to 7-Eleven. There's a lot about this world to be upset about." Among the most recent things to be upset about was radical Islam's explosive arrival on the domestic scene with the 9/11 assaults. This inspired Parfrey to assemble his latest collection, *Extreme Islam*, which reprints primary documents and commentaries from a wide variety of Islamic figures and organizations. The book explores the dark and disturbing sides of pan-Islamism, the Palestinian cause, the Khomeini revolution in Iran, and the Taliban. It paints a picture of an often violent and radically anti-American worldview that—though not necessarily representative of Islam as a whole—is frightening, fascinating, and vitally relevant to Americans.

Associate Editor Brian Doherty, whose work appears in the recent Feral House anthology *Bubblegum Music Is the Naked Truth*, interviewed Parfrey in June.

reason: How did you become interested in the Islamic fundamentalism you explore in your new book *Extreme Islam*?

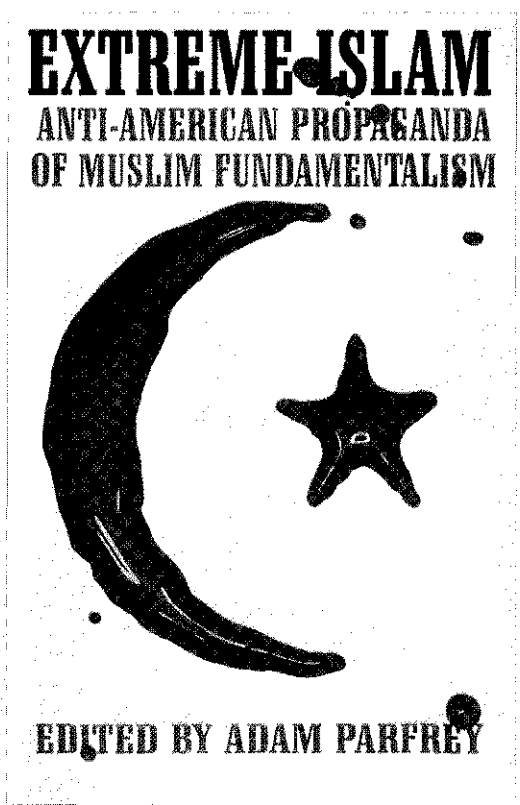
Adam Parfrey: Ever since the Khomeini revolution, I've been intrigued by Islamic text and graphics. When the Iranian revolution started, I began to see things that came over from the Middle East—strange collages, the *Echo of Islam* magazine, and then a book collection of those magazines that came out in English. It featured things like amazing posters of Jimmy Carter as a satanic figure murdering young women—not what people in the U.S. would expect or think Jimmy Carter capable of.

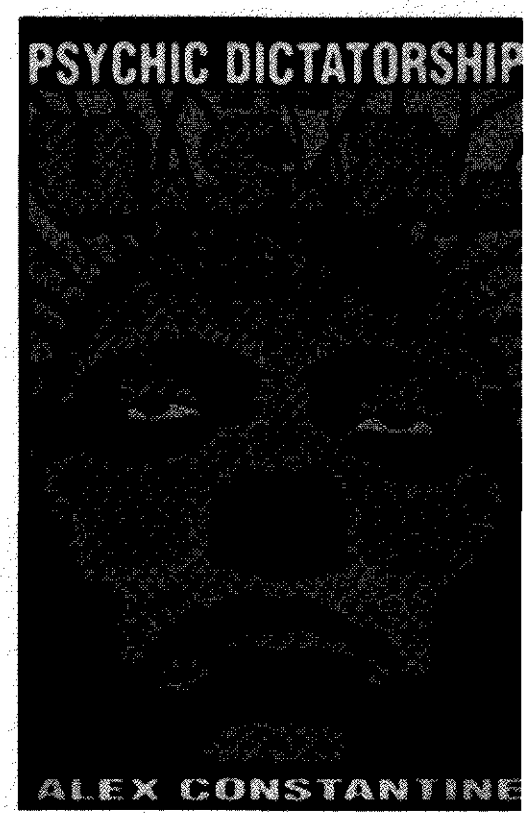
That's where my interest started. After 9/11, I brought out old *Echo of Islam* magazines and went on the Internet and found there were many jihad, basically terrorist, Web sites that were shut down shortly thereafter. Even Google cache files disappeared.

I'd noticed in the U.S. press that the old Chamber of Commerce idea of the world still dominated: Everybody's a nice guy. Everybody means well. Even if the Koran is really, truly a book about destroying the enemy, you'd hear the media say, "They don't mean *total* destruction of the enemy. If the enemy goes along with their religion and converts or pays a poll tax, a humiliation tax, then that's OK, they won't *kill* them."

I found it astonishing that those aspects of radical Islam were ignored by the major newspapers and even the alternative weeklies. I thought I could use [the Islamic extremists'] own propaganda to reveal the substance of their thought, and that should be a troubling thing. And I found it was. Not all Muslims are as extreme or as interested in jihad, but let's say only 10 percent are. That's 120 million people worldwide—a significant number of people.

reason: What can we learn from the material in *Extreme Islam*?





LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Parfrey: One lesson is that we need to ask, what are the consequences of putting American troops in Saudi Arabia and keeping them there? Some Americans might think we should be able to put troops anywhere we want. But it's arrogant to believe there are no consequences to those actions. Or, if there are consequences, that we should just knock anyone who objects senseless.

Extreme Islam was produced primarily to get across an idea that wasn't disseminated widely in American culture—to show how strong the [fundamentalist Muslim] belief system is and how unmanageable it is, considering there are tens or possibly hundreds of millions of people sharing these ideas. America has to come to grips with the intensity of their beliefs. Any conflict with them will not be resolved by simply saying we're great guys, we believe in democracy.

I believe Osama bin Laden, if you examine the Koran, is closer to the Koran and the prophet Mohammed's beliefs than the hope that Islam can be democratic. It's not a very democratic belief system. To say that it is comes out of a wish that has nothing to do with Islam. It comes from the idea that everything good has to do with democracy or democratic ideals. Well, there are different ideals at work in the world, and we need to come to grips with that.

reason: People sometimes make comparisons between fundamentalist Islam and fundamentalist Christianity. Maybe the ideas in *Extreme Islam* are no more representative of Islam than fundamentalist Christians are of Western culture.

Parfrey: There is something to that, I think. You're talking about three monotheistic religions: Judaism, Christianity, and Islam. There is a belief by some Christians and Jews that Islam is "undeveloped." That's what they say when they are being nice about it. They say that Christianity and Judaism have had many more years to "progress." I do think that all fundamentalisms have something in common. Each one believes in the deficiency of other beliefs and the ascendancy of their own beliefs over everyone else's.

> "Upsetting people is a beautiful thing. Because it gets people to think beyond their last visit to 7-Eleven."

The situation in east Jerusalem, at the Al Aqsa shrine, indicates this. The Al Aqsa shrine in east Jerusalem is thought by Jews and some Christians to be the site of the Temple of Solomon. Let's say the Orthodox Jews and Zionist Christians actually do what they wish and destroy the Islamic shrine and then rebuild the Temple of Solomon. You're talking about a world war situation these people are fooling around with. But they would wish for it to happen. *That's* what's scary. It's not like they don't care—they want it! I discussed that with a *Time* magazine writer, who ended up writing a story that discusses that specific problem. It's watered down a bit from what I had said to the writer, but nonetheless it's a very disturbing situation in the Middle East regarding the Temple Mount, and these democratic well-wishers just refuse to talk about it.

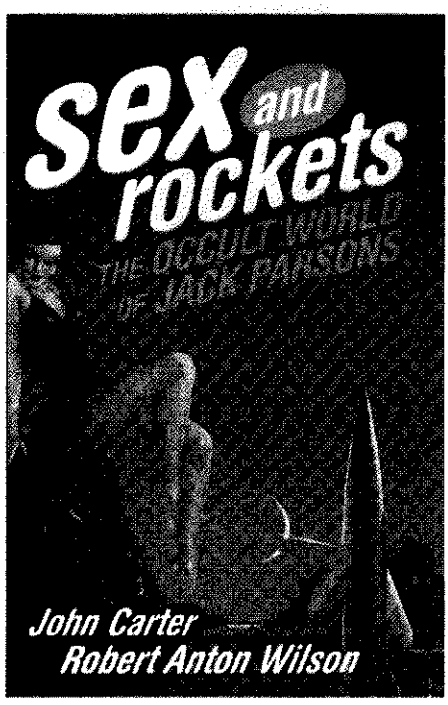
reason: How do you choose what to publish?

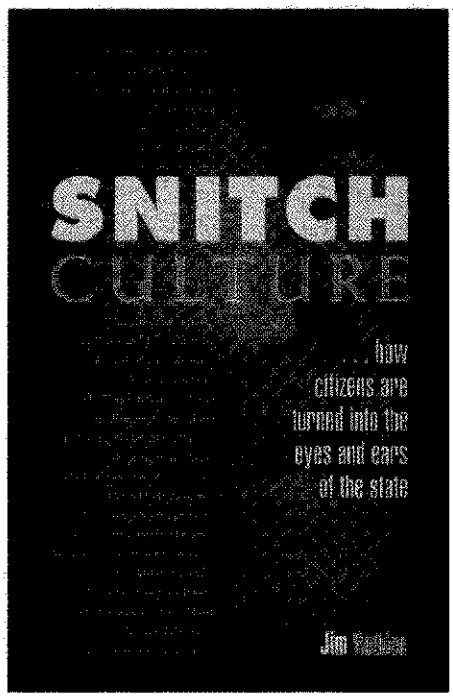
Parfrey: The intent is to interest me personally. It's a small business, and I started it by thinking that things I was interested in would also interest others. It's fully dependent on sales. There are no grants, no awards, no rich daddies. It's totally dependent on word of mouth also, because I can't afford to be put up at the front table at Barnes and Nobles or Borders. That sort of placement costs too much for me.

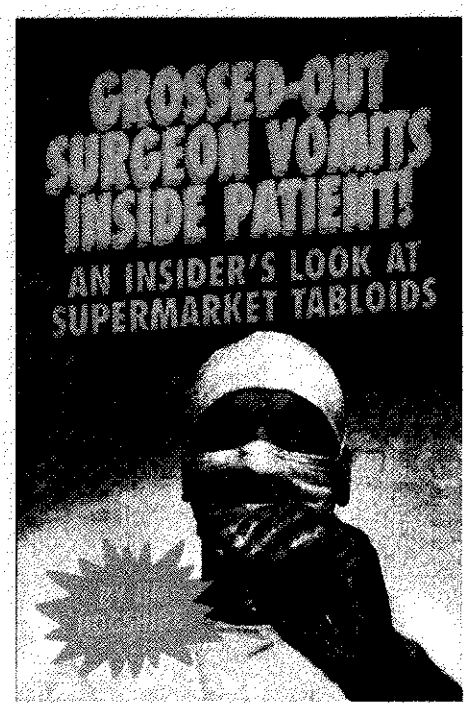
Before starting Feral House, I worked for a small avant-garde publishing house in New York City. The way they worked was to get grants from academia and elsewhere, and that kept them going. My interests are considered offbeat, weird, whatever you call it. People accuse me of being sensationalist, and I'm not sure how to react to that. Some of my interests are sensational, I suppose, but they are *interesting*. Certainly there are very provocative things in some of the books I publish, but there are also things with academic credibility as well, some even written by college professors.

I realized that if I went the grant route, my interests would have to coincide with material that was less penetrating of people's emotions. I couldn't have people saying, "Oh God, what's that horrible thing?" I'd rather have the bottom line question be, "Will enough people buy that book?" rather than, "Will a few

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED







people in the ascendancy of academic culture be offended by it?"

reason: It might be said that Feral House has an unsavory obsession with evil: Satanism, serial killers, Nazis....

Parfrey: Some books, not the majority of books, but some. Major New York presses do a lot more on Nazism than I ever have.

reason: What do you say to people who think you concentrate on inappropriate topics?

Parfrey: Like books about the Church of Satan and brutal crimes? There are things that are certainly dark that I've published, but I published a book on bubblegum music too (*Bubblegum Music Is the Naked Truth*). My publishing books by and about Anton LaVey [the founder of the Church of Satan] was a business decision. Here's a guy whose book *The Satanic Bible* sold over a million copies—and he had other, out-of-print books. I knew that I could begin a press and rely on those as backlist titles. And I was right. It was a good decision to make. Whether that tarred and feathered me—that was a choice I had to make and it was worth it to me. As far as true crime, I've been interested in and done interesting books in that genre. It's still a small percentage of the books I do, but I have done some pretty amazing books in that field.

reason: You've also done a fair number of strictly political books recently as well.

Parfrey: I was interested at one time in doing a politically oriented press called "None of the Above." I'm not a Democrat, Republican, Libertarian—I don't like joining parties, though I sympathize with libertarianism as a political philosophy more than any other. The political books I publish are beyond parties.

A couple of years ago, I commissioned and published *Snitch Culture: How Citizens Are Turned into the Eyes and Ears of the State*, by Jim Redden. There was more and more going on in the Clinton administration regarding loss of privacy, and I was personally upset by these ideas. Hillary Clinton said privacy was overrated—what's going on here? Students were being instructed to tattle on other students. What my father's generation had been told was the right thing to do is now turned on its head. You're *supposed* to be a rat or a snitch, and that's a good thing. You can perhaps prevent a Columbine from happening.

A lot of this is going on in relation to the very sorry drug war. People are creating problems for innocent people because they find that snitching gets them a less dramatic prison sentence if they turn in others who may be innocent. That is a very bad situation, created as a result of the advocacy of snitching. It has become a social problem and a political defect.

Other political books Feral House has done include *THE REVOLUTION*: Quotations from Revolu-*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion Party Chairman R.U. Sirius, which came out in 2000. Sirius is a prankster; he calls himself a "cyber-terrorist." Especially in an election year, I thought it would be amusing to put out a book that questions the system as it exists politically and to put it out in the format of Mao Tse-Tung's Red Book. Not that it was a communist tract, but to get people's attention and make them interested in what he's saying. The humor element is usually totally removed from politics, and I wanted to put that back in.

John Zerzan's *Running on Emptiness: The Pathology of Civilization* (2002) is another one. He's a leftist, but he sees the problems with that as well. I'm not a fan of that kind of political structure or belief system, but I am a fan of John Zerzan's writing. He's a provocative writer on contemporary problems with technology. He's an anti-technology anarchist, and for some reason he was picked up on by these anti-globalization kids who threw chairs through the windows at Starbucks franchises.

Also, the Unabomber, Ted Kaczynski, wrote to him. Kaczynski was influenced by John's work, and I found that remarkable too. I don't even believe in most of what Zerzan is saying, but he's a provocative and interesting writer. I think it's a problem when people dismiss or do not want to read something they don't think they would abide by 100 percent.

reason: Do you think that the work Feral House does is marginalized?

Parfrey: I'd like to indulge myself by saying I've pushed the envelope a little farther and some things are discussed in certain ways more than they would have been if I were not there. But I'm pushed into a pigeonhole called the "underground." I don't consider myself underground. My books go into the same bookstores as ones from Random House. My books sit side by side in chain stores with books published by Judith Regan.

They aren't sold like old erotica, under a coat. They're in bookstores, man! I have business meetings. I'm this middle-class guy who deals with the same system that the mainstream goes through. But some of the books are just considered "too much" to deal with, yes, even if they are ordered by major stores and in every Barnes & Noble and Borders.

reason: Why do you think that other publishers tend to avoid the more controversial and sensational topics Feral House covers?

Parfrey: There are several reasons. They don't want to be tied into material that does not look beneficial to their reputation and standing in this small world of publishing. Doing weird, offbeat stuff doesn't necessarily make them look good. It might be that they don't even recognize there's a sales interest in it. Another reason might be a career fear on the part of an editor: What if your boss doesn't see the value of a more controversial book idea?

reason: How does it affect you being in Los Angeles, away from the center of the publishing industry in New York?

Parfrey: Not being in New York hurts my ability to get reviews. But it helps being outside that world in the sense that I'm not caught up in the mechanism of it. What happens in the publishing world is that a lot of middle management people steal from each other. They always use the phrase "what's hot"—what does that mean? It's what people are stealing from each other at that moment.

reason: How have the past decade's changes in the book business affected you?

Parfrey: The big chains have opened up the possibility of selling more of certain titles. Few titles break even, but a few titles do

Logocentrism

You can trademark words but not meaning.

Nick Gillespie

In a country that has long been cuckoo for catch phrases—from "Give me liberty or give me death" to "I want my Maypo" to "Whassuupp"—it's hardly surprising that 9/11 would generate a quasi-official slogan. Or that it would be "Let's roll!," the last known words of Todd Beamer, the most widely recognized hero-victim of the terrorist attacks.

Despite its relative inscrutability, "Let's roll!"—Beamer's signature phrase, heard by a GTE phone operator who'd been in contact with him during the doomed flight—somehow summed up the courage of the brave souls who mounted a revolt against the hijackers on United Flight 93. By causing the plane to crash in a field in western Pennsylvania rather than some likely target in Washington, D.C., Beamer and his fellow passengers saved dozens or hundreds of lives even as they gave up their own.

Yet as soon as a phrase—especially a heartfelt and serious one—is uttered, it immediately starts morphing into something else, typically a parodic version of itself. »

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Notice To Our Subscribers

From time to time, our subscriber list is rented to others. We carefully screen those to whom we rent our list and try only to rent to those whose offers we believe may interest our subscribers. If you do not wish to have your name included on our rental list, simply let us know by writing us at:

reason
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
Attn: List rentals

Publish Your Book!

Ivy House
Publishing Group

Leading independent publishing house offering professional services—guiding and advising at every stage while you retain creative control.

Currently Considering All Subjects.

Ivy House Publishing Group
5122 Bur Oak Circle, Dept. R
Raleigh, NC 27612
(800) 948-2786 www.ivyhousebooks.com

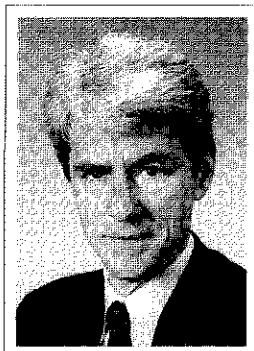
Living Sanely in an INSANE World

"I keep thinking that insanity is the state where a person can't tell what's real. Well, what's real now is insane – and if I accepted it as real, I'd have to lose my mind, wouldn't I?"

-Ayn Rand, "Atlas Shrugged"

How do reasonable people live in an irrational world? What would Einstein or Jefferson say? What could Julian Simon, Harrison Ford, or Robert Heinlein add?

To learn more, visit
http://livingsanely.com/reason



Perennial Questions of Objectivism

By David Kelley, Ph.D.

From the time Ayn Rand first set forth Objectivism as a philosophical system, a small set of ongoing questions has occupied the attention of people with an intellectual interest in her philosophy—questions about core tenets; interpretations of certain principles; seeming conflicts and contradictions—issues that resist easy resolution.

Perennial Questions of Objectivism is a 6-CD course which examines five of these seminal questions. In each lecture, the issue is formulated, the arguments for each side put forward, and the strengths of the standard responses from Objectivist literature are considered and evaluated. Each session concludes with lessons on philosophical methodology, and the final lecture is reserved for a brief review integrating the course material, followed by audience questions.

This course is accompanied by a study guide, which outlines each lecture in detail and suggests materials for further study.

Lectures include:
"Reason and Emotion"
"Virtue and Self-Interest"
"Survival vs. Flourishing"
"Government vs. Anarchy"
"Free Will vs. Determinism"
"Concluding Thoughts and Questions"

The Objectivist Center
11 Raymond Ave., Suite 31
Poughkeepsie, NY 12603
www.objectivistcenter.org

Item# PSA-DK019AD
6 CDs ◆ 6 hours
$75.00
1-800-374-1776

better than break even. It's a bipolar situation. I try to put books out that are good as books—that aren't necessarily going to have the same effect if read on the Internet. I'm interested in photographs and books with a lot of illustrations that assist the text. I'm more interested in design now than before. I have to think about what makes a book different from the Internet, about what makes it compelling to own this *thing*.

The Internet provides so much more reading matter for everybody that people feel overwhelmed. So in some ways the Internet has not benefited publishing. But in other ways it has, because it gets the word out on our books more prominently, both good and bad. We get a number of orders through our Web site from people who wouldn't be able to find these books in the middle of nowhere. But it's not good if people feel overwhelmed with data smog and can't even bear to look at another sentence.

reason: Have you found the free market to be good for culture and ideas? Obviously, a lot of leftist thinkers don't think it is.

Parfrey: The free market is the least censorious mechanism to put out material. I think it's the best way myself, obviously so. I'm the living example of it.

reason: Markets leave judgments to the world at large, while academia and government leave it to...

Parfrey: A tiny minority, yes. ▯

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Pride and Prejudice

The false choice between patriotism and skepticism

Jacob Sullum

Why We Fight: Moral Clarity and the War on Terrorism, by William J. Bennett, New York: Doubleday, 170 pages, $19.95

9-11, by Noam Chomsky, New York: Seven Stories Press, 125 pages, $8.95

LIKE MANY AMERICANS, my wife and I put out a flag after 9/11. It was not a fleeting impulse; in fact, it took me a while to find a flag holder, since all the local stores had been cleaned out of patriotic paraphernalia. But neither was it something we thought about deeply; it seemed a natural expression of solidarity. So I was surprised by the mixture of bewilderment and scorn I sensed from out-of-town visitors that November. "What's with the flag?" said one.

At the same time, I had a similar reaction to people who seemed to be going overboard in expressing their love of country, trying to outdo each other with electrical displays, multiple bumper stickers, or little flapping flags that made their cars look like they'd gotten separated from the rest of the presidential motorcade. And as the weeks went by, I started to wonder how long our flag should stay up. Some of our neighbors seemed determined to leave theirs out until the war on terrorism was over, and it wasn't clear to me that it ever would be. Then there was the question of what to do on Independence Day. Take the flag down?

But my discomfort with excessive flag waving was a mere quibble compared to the position taken by *The Nation*'s Katha Pollitt. "My daughter, who goes to Stuyvesant High School only blocks from the World Trade Center, thinks we should fly an American flag out our window," she wrote shortly after the twin towers fell. "Definitely not, I say: The flag stands for jingoism and vengeance and war."

In *Why We Fight: Moral Clarity and the War on Terrorism*, William Bennett cites Pollitt's response to her daughter's suggestion as an example of leftish contempt for patriotism, a knee-jerk reaction so strong that it could overwhelm the feelings of shock, sadness, sympathy, anger, and defiance aroused by 9/11. He has a point. It's obtuse to insist that flying the flag means endorsing everything the U.S. government has ever done. If a Catholic can wear a crucifix without supporting the Inquisition and the Crusades, an American can put up a flag without justifying "jingoism and vengeance and war." In both cases, the person displaying the symbol has in mind particular values, at least some of which Katha Pollitt surely shares. To many of us, the flag represents liberty, tolerance, and the rule of law, the principles on which the nation was founded but which its government has not always honored.

Still, it's no use pretending that flag waving has never been associated with the kind of unreflective patriotism that assumes nothing done in America's name could be wrong. Because of this connection, I must admit that at a certain point I started to worry that continuing to display our flag might be interpreted as support for whatever the Bush administration decided to do in the name of fighting terrorism. Bennett himself reinforces that equation in his book, which blurs the distinction between suspicion of government and hatred of America. He is impatient with critics and skeptics generally, not just the ones who cringe at the idea of flying the flag, and he cannot bring himself to acknowledge that the United States has ever been anything but a force for good.

The opposite sort of blindness afflicts Noam Chomsky, the self-proclaimed dissident intellectual (and best-selling author) who rehearses his litany of America's sins in *9-11*, which endeavors to show that what Al Qaeda did to us was

When's the last time anyone uttered "Ich bin ein Berliner," "I am not a crook," or "I've fallen and I can't get up" as something other than a punch line? "Let's roll!" is itself taking on an increasingly curious afterlife as the specifics of 9/11 recede from public memory.

Ironically, it's the phrase's official guardians who are transforming "Let's roll!" into a generalized "lifestyle" statement. Earlier this year, the Todd M. Beamer Foundation, a nonprofit founded by Beamer's widow, raised eyebrows when it trademarked the slogan, both to control its usage and to raise money for programs that "seek...to equip children experiencing family trauma to make heroic choices every day." But the foundation has done more than just sell its own "Let's roll!" paraphernalia as a fund raising tool. It's pursued a series of odd licensing choices that strain the credulity of even the least cynical observers.

In June, for instance, the foundation let Wal-Mart use the phrase as an employee motivation slogan and as a theme for its annual shareholder meeting. "It's an inspirational use of 'Let's Roll,'" Beamer Foundation CEO Douglas A. MacMillan suggested to the *Arkansas Democrat-Gazette*, reiterating that the words are "a call to action."

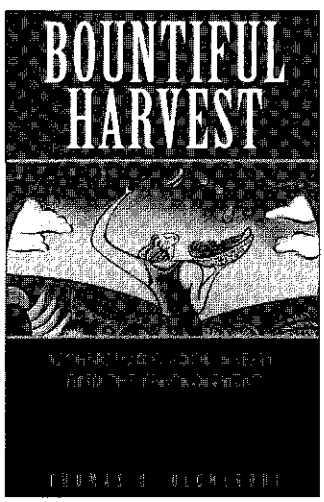
In August the foundation gave its blessing to Florida State University's football team, which has slapped "Let's roll!" on T-shirts, baseball caps, and other items. Each year »

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CATO INSTITUTE

NEW AND FORTHCOMING BOOKS

CIVIL SOCIETY • INDIVIDUAL LIBERTY
FREE MARKETS • LIMITED GOVERNMENT



Bountiful Harvest: Technology, Food Safety, and the Environment
Thomas R. DeGregori

This provocative work explores many of the revolutionary technological advances of the past century, such as the development of bioengineered foods. It debunks the myth that many of these advances are harmful to humanity by showing how this technology has saved millions of lives, dramatically increased food production, and increased the human lifespan. *Bountiful Harvest* is sure to spark debate about the role of technology in our lives. 250 pp.
Paper $12.95 ISBN 1-930865-31-7

Available at bookstores nationwide. To order call 1-800-767-1241 or visit www.cato.org

nothing compared to the suffering we have inflicted on oppressed people around the world. Bennett and Chomsky summed up each other's shortcomings during a clash on CNN last spring. "I think you should acknowledge [America's] virtues a little more often, Mr. Chomsky," said the former drug czar and perpetual scold. "And you should acknowledge its crimes," Chomsky responded. Americans who are prepared to do both will be comfortable neither with Bennett's uncomplicated love-it-or-leave-it attitude nor with Chomsky's reflexive condemnations of the U.S.

As Bennett reminds us repeatedly in *Why We Fight*, he has made a career out of "worrying about the moral disposition of the American people": their drug use, their insufficient familiarity with the classical virtues, their taste in music, TV, and film. But 9/11 was a test of our character, and Bennett has graded our response. To his surprise, we passed with flying colors. Literally. "For the first time in a long while there was a palpable, shared sense that this was indeed our country, and that it was a country worth fighting for," he writes. "The problem is not that Americans are unpatriotic. That is hardly the case. The problem ...is that those who are *un*patriotic are, culturally, the most influential among us."

If you can get past Bennett's condescension in judging the moral fiber of his fellow citizens, you probably will find much to agree with. He rightly takes issue, for instance, with Reuters' agnosticism regarding the difference between a freedom fighter and a terrorist: "The last time I looked, there was a crystal-clear distinction between a terrorist and a freedom fighter, and it had to do with the morality of means: A freedom fighter does not massacre innocent civilians in pursuit of his ends."

In a similar vein, Bennett offers a sampling of foolish post-9/11 comments from people with an ideological ax to grind (almost all of them leftists, although I can recall some jaw-droppers from right-wingers as well). "A professor at Brown University," he reports, "instructed his audience that if 'what happened on September 11 was terrorism,' what America had done 'during the gulf war was also terrorism.'" He also quotes the eminent leftist historian Eric Foner: "I'm not sure which is more frightening: the horror that engulfed New York City or the apocalyptic rhetoric emanating daily from the White House."

But when Bennett's quest for easy targets leads him to cite "a mother in Kennebunk, Maine" ("Killing people won't prove anything; it's just more of the same") and "a Columbia University sophomore" ("I don't think the solution to violence is more violence"), you start to wonder if such thinking is really as influential as he fears. While most Americans do not share Eric Foner's perspective, he argues, "the Foners of the United States" sow doubt and sap the national will. "I sensed in my bones," he says, "that if we could not find a way to justify our patriotic instincts, and to answer the arguments of those who did not share them, we would be undone." Maybe, but Bennett presents no real evidence (from polling data, for example) to back up his skeletal intuition. If you look hard enough, you can find someone to parrot just about any kind of doctrinaire drivel, especially if you talk to college sophomores.

Among people who spout off for

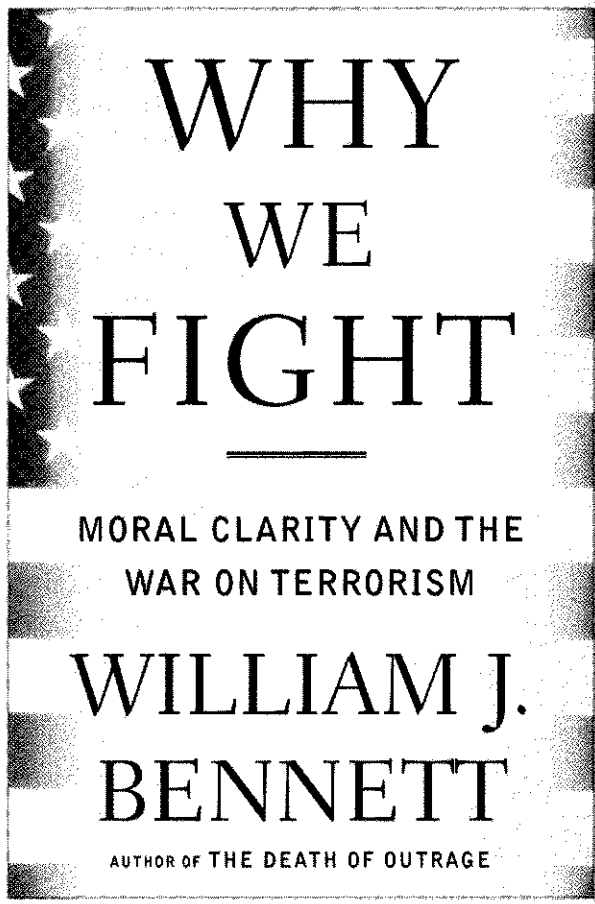
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a living, there was no shortage of the moral clarity Bennett craves in the weeks and months after 9/11. But it troubles him that a few commentators, with various degrees of finesse, brought up the question of what the United States might have done to piss people off so much. "How was it," he writes, "that in the wake of the bloodiest and most devastating attack on American citizens in our history, sensible and patriotic people could ask, *'Did we bring this on ourselves, by the way we have behaved in the world?'*" Bennett phrases the question tendentiously. Obviously, the people who were murdered on that awful day did nothing to deserve their fate. But inquiring into the motives of terrorists does not excuse their crimes, and it was perfectly natural to wonder whether U.S. foreign policy had something to do with the anger on which organizations like Al Qaeda feed. Was it really just a matter of hatred for our values and way of life, as the politicians insisted?

This is a touchy topic, and not just because people tend to assume that understanding is a precursor to forgiveness. Whatever the grievances behind the attacks, trying to address them *now* might seem like a capitulation to terrorism, even if doing so would otherwise have been in the national interest. Given the need to avoid making excuses for terrorists or caving in to their demands, the subject requires a careful touch.

That is not Noam Chomsky's forte. In *9-11*, a collection of excerpts from interviews he gave last fall, he assails the United States as "a leading terrorist state." His interlocutors are fans, judging from the softball questions ("Do you think we are using the word 'civilization' properly? Would a really civilized world lead us into a global war like this?"). Consequently, even his most eyebrow-raising assertions (that the U.S. is "one of the most extreme fundamentalist cultures in the world," for example) go unchallenged. The book's eye-glazing repetition (left in "for emphasis," according to the editor) suggests the manuscript, too, was treated reverentially.

Still, Chomsky presumably saw the book before it was published and had a chance to eliminate anything that seemed, in retrospect, ill-considered or unsupported. It's hard to imagine what he took out. "The horrifying atrocities of September 11 are something quite new in world affairs, not in their scale and character, but in the target," he says. "For the first time, the guns have been directed the other way." Chomsky's condemnations of the attacks do not quite erase the suspicion that he is in some sense gratified by this turn of events. "Nothing can justify crimes such as those of September 11," he says, "but we can think of the United States as an 'innocent victim' only if we adopt



>> Continued from

legendary coach Bobby Bowden selects a theme for the season. "We are going to go with 'Let's roll,' based on the airplane guy making that remark," Bowden churlishly explained on the FSU Web site (in Bowden's defense, one of the things he is legendary for is forgetting names). "Not only for that but the season is here, the challenges are here, let's roll."

Rather than distancing the Beamer Foundation from a tasteless equation of the struggle on Flight 93 with college football, MacMillan embraced it. "By picking that phrase, Coach Bowden is carrying on Todd's legacy," he said, adding, "Todd was a huge sports fan. I'm sure he's thrilled."

Maybe, maybe not. He's probably more excited by the latest product to prominently feature the slogan: the book *Let's Roll!: Ordinary People, Extraordinary Courage* (Tyndale), by his widow, Lisa Beamer, and Ken Abraham. Despite many truly odd touches—Abraham is identified on the jacket as a "professional writer with world-class credentials" and the coauthor of a biography of golfer Payne Stewart, who also died in an airplane crash—*Let's Roll!* is mostly a touching memoir, especially the section that uses multiple sources to reconstruct the grim struggle aboard Flight 93. Yet the book is at its weakest precisely when it invokes its vague and overused catch phrase—"'Let's roll!' is not a slogan, a book, or a song; it's a »

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the convenient path of ignoring the record of its actions and those of its allies."

This formulation enables Chomsky to imply that we had it coming, while denying that he believes any such thing (as he did in his CNN debate with Bennett). The ambiguity arises from thinking of the victim as "the United States," which can refer to the government as well as the people. However iniquitous Chomsky thinks U.S. foreign policy has been, it is clearly beyond the bounds of civilized behavior to hold randomly chosen Americans responsible for it and summarily execute them. Yet Chomsky's rhetoric legitimizes the doctrine of collective guilt that lies at the heart of terrorism.

Unlike Reuters, Chomsky is not reluctant to call people terrorists. He concedes that Osama bin Laden's followers qualify. But so do U.S. officials who supported regimes (such as Turkey's) or armed groups (such as the Contras) accused of human rights abuses. "The U.S. is the only country that was condemned for international terrorism by the World Court," he says. If so, this says more about the World Court than it does about the United States, unless you think the case against the U.S. is stronger than the cases against, say, Iran, Libya, and Syria. But Chomsky is actually referring (once again) to U.S. support for anti-communist rebels in Nicaragua, which he equates with terrorism. Even the World Court did not go that far, instead rebuking the U.S. for "unlawful use of force." If U.S. officials had directed the Contras to kill civilians (as opposed to supporting their fight against the Sandinistas despite such atrocities), Chomsky would have a stronger case.

There is no question that the U.S. has backed many unsavory factions and governments over the years (including the Muslim fanatics it is now fighting). In some cases (for example, Haiti, Panama, Angola, Vietnam, Indonesia), there is a compelling argument to be made that such support was morally wrong, contrary to the national interest, or both. But Chomsky does not stop there; he will not be satisfied until Ronald Reagan is recognized as the moral equivalent of Osama bin Laden. Likewise, so far as Chomsky is concerned, the Clinton administration's bombing of a Sudanese "chemical weapons plant" that turned out to be a pharmaceutical factory was not just criminally negligent; it was an act of terrorism worse than the September 11 attacks. Citing estimates he admits are "largely speculation," Chomsky claims the loss of drug production capacity has killed "tens of thousands."

As that example reflects, Chomsky's rhetorical overkill is of a piece with his readiness to believe the worst about the impact of U.S. actions, a tendency that undermines his arguments even when they're valid. Endorsing the highest available estimates of the deaths caused by sanctions against Iraq, for example, tends to discredit criticism of the embargo. The argument over numbers distracts attention from the basic point that embargoes are morally suspect because they punish people for the crimes of their leaders—even when the leaders are unelected. (See "The Politics of Dead Children," March.) Yet Chomsky seems irresistibly drawn to wild exaggeration. "An attack against Afghanistan will probably kill a great many innocent civilians, possibly enormous numbers in a country where millions are already on the verge of death from starvation," he predicted in a September 2001 interview. "Wanton killing of innocent civilians is terrorism, not a war against terrorism."

Chomsky insists that intent does not matter: If you (or the people you support) end up killing civilians, you are a terrorist. Yet it is the *deliberate* targeting of civilians that is the sine qua non of terrorism. Killing

Anonymous Internet Service

We Guarantee You Anonymous Dial-Up Service

Your Name ***WILL NOT*** Be Sold!

You Choose Your Password

Your Privacy Is Protected

Go to ***www.whosthere.net***

The Blowfish Catalog

Good Products for Great Sex™

Since 1994, Blowfish has been the supplier of sexuality and sensuality products you can rely on.

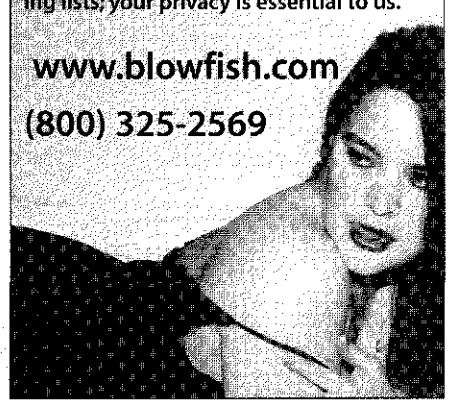
We review the toys, videotapes, books, comix, safe-sex supplies, and everything else that we carry. We've tested it, we use it, we have opinions on it, and we'll tell you exactly what those opinions are.

If you are 18 years of age or older, we invite you to view our web site or request a print catalog.

We never, ever sell, rent or trade our mailing lists; your privacy is essential to us.

www.blowfish.com

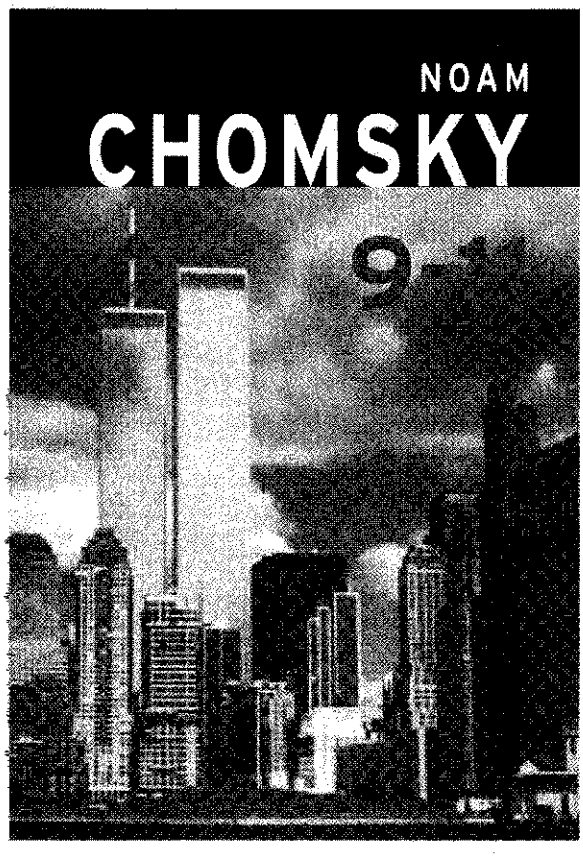
(800) 325-2569



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

them unintentionally is not the same thing, although it may be rightly condemned, depending upon the level of negligence involved. To deny this is to assert that a driver who accidentally kills a pedestrian is morally indistinguishable from one who waits for an enemy to step into the street and runs him down on purpose.

Chomsky believes 9/11 did not justify the war in Afghanistan. (He argues that the U.S. should have tried bringing the matter to court—an approach that did not work very well when the Sandinistas tried it.) From his point of view, the acceptable number of civilian casualties in Afghanistan was zero. Supporters of the military campaign knew civilian deaths were inevitable but recognized an obligation to keep the number as low as possible. Bennett is quick to exonerate U.S. forces on this score, referring repeatedly to their "extraordinary" efforts to avoid killing noncombatants. It may well be that the U.S. was unusually careful by historical standards. But that does not mean American forces weren't negligent in some cases. The July 1 bombing of a wedding party in Oruzgan—which killed 50 or so people, mainly women and children—springs to mind. Horrible as that incident was, however, it is not splitting hairs to point out that the gunship's crew, who mistook celebratory gunshots for anti-aircraft fire, thought they were attacking an armed enemy. The assault was nothing like, say, the firebombing of Dresden and Tokyo during World War II, operations that arguably could be described as terrorism.



Despite his sweeping definition, Chomsky does not treat all terrorists alike. "Just about every crime—whether a robbery in the streets or colossal atrocities—has reasons, and commonly we find that some of them are serious and should be addressed," he says. But he applies this principle selectively. While he believes it's important to understand bin Laden's motivation, he has no interest in exploring why American and Israeli "terrorists" behave the way they do. Thus he does not address the arguments in favor of aiding the Contras, and he simply asserts that Israel's invasion of Lebanon was "not in self-defense." When it comes to the United States and Israel, it seems, there are never any serious reasons or valid grievances.

Chomsky cannot seem to decide whether the Israeli-Palestinian conflict had anything to do with 9/11. "The atrocities of September 11 were a devastating blow for the Palestinians," he says, "as they instantly recognized." That explains the dancing in the streets. Later he says "Osama bin Laden shares the anger felt throughout the region at...support for atrocities against Palestinians." But Chomsky also argues that "the perpetrators surely must have known" their attacks would hurt the Palestinian cause, adding: "Their concerns are different, and bin Laden, at least, has been eloquent enough in expressing them in many

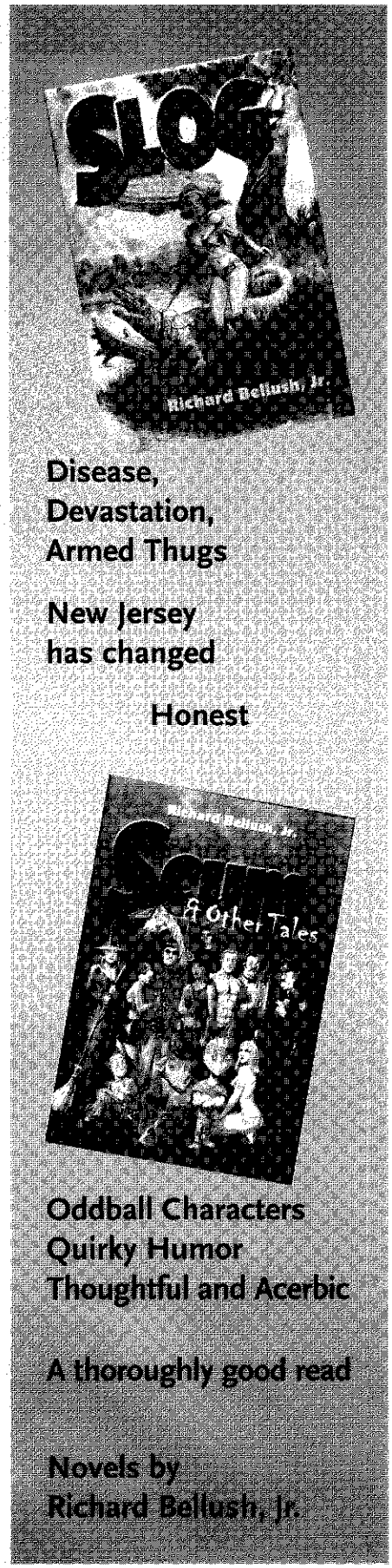
lifestyle," insists Beamer at one point—rather than poignant human details.

Exactly what "Let's roll!" will come to mean over the years is anyone's guess, though we can safely assume its final iteration will be an odd subversion of its original referent. "Remember the Alamo!," despite its imperative demand for historical consciousness, actually started out as but half of a slogan urging Texans in their war with Mexico to "Remember Goliad!," another infamous massacre. "In like Flynn," now a generic term for ease of entry, originated among G.I.s wryly referencing the screen legend Errol Flynn's 1942 trial for statutory rape.

"Let's roll!" may well go down as Florida State's great rallying cry, or a mantra mumbled by especially motivated Wal-Mart sales associates. That won't be so bad, assuming that we remember the heroes on Flight 93 for what they did, not just what they said. ■

Nick Gillespie (gillespie@reason.com) is **reason***'s editor-in-chief.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



interviews: to overthrow the corrupt and repressive regimes of the Arab world and replace them with properly 'Islamic' regimes, to support Muslims in their struggles against 'infidels' in Saudi Arabia (which he regards as under U.S. occupation), Chechnya, Bosnia, western China, North Africa, and Southeast Asia."

Here, at last, is a hint of possible common ground between Chomsky and Bennett. Chomsky presumably would like the U.S. to stop propping up "corrupt and repressive regimes in the Arab world." Bennett, who criticizes the Saudi government's corruption and repression (along with its support for terrorism and promotion of "anti-Christian, anti-Jewish, and anti-Western hatred"), ought to agree. Instead, he seems proud of the way the U.S. came to the defense of Saudi despots in the Persian Gulf War, citing it as a reason Muslims should like us.

As for American Muslims, Bennett says, in essence, they should consider themselves lucky they haven't been rounded up and put in prison camps.

Bennett and Chomsky do agree on one thing: that the threat to civil liberties posed by the war on terrorism has been exaggerated. That judgment is not surprising coming from Bennett, who has praised Abraham Lincoln's suspension of habeas corpus rights and suggested that something similar might be needed in the war on drugs. In *Why We Fight*, he echoes Attorney General John Ashcroft's attack on "those who scare peace-loving people with phantoms of lost liberty." Bennett says critics of President Bush's order authorizing military tribunals for accused terrorists caused "turmoil," contributing to "the erosion of moral clarity" and "the spread of indifference and confusion."

As for the concerns of American Muslims about being lumped in with the terrorists, Bennett says, in essence, that they should consider themselves lucky they haven't been rounded up and put in prison camps. In one of the book's most chilling passages, he conspicuously avoids condemning the internment of Japanese Americans during World War II. He says only that "our government has formally apologized" for the mass detentions, which he calls "a source of controversy to this day."

You might think Chomsky wouldn't pass up an opportunity to attack the Bush administration, but his critical eye is focused abroad. In response to a question about how the war on terrorism might "constrict our freedoms," Chomsky embarks on a three-page rant about America's international crimes. In another interview he says, "I do not think [the war on terrorism] will lead to a long-term restriction of rights internally in any serious sense. The cultural and institutional barriers to that are too firmly rooted, I believe." It surely is not enough to satisfy Bennett, but that sounds dangerously close to acknowledging America's virtues. ■

Senior Editor Jacob Sullum (jsullum@reason.com) is the author of a book on the morality of drug use, forthcoming in June from Tarcher/Putnam.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Murder Most Foul

To stop genocide, the U.S. must learn to intervene more carefully.

Charles Peña

A Problem from Hell: America and the Age of Genocide, by Samantha Power, New York: Basic Books, 284 pages, $30

NO ONE WOULD argue that the Pol Pot regime's killing of some 2 million Cambodians was anything but the brutal, savage slaughter of innocents. The same is true for Saddam Hussein's destruction of over 4,000 Kurdish villages in Iraq and the deaths of an estimated 55,000 to 75,000 Bosnians (according to the Stockholm International Peace Research Institute and the International Committee of the Red Cross), an unknown number of which were mass killings of Muslims attributed to Slobodan Milosevic's Serbian forces. But do these acts constitute "genocide"? And, more pressing, should the United States have intervened in any or all of these acts? The difficult answer to these questions is no. To understand why, consider Samantha Power's *A Problem from Hell: America and the Age of Genocide*, which argues otherwise.

In June 1995 Power was a reporter covering Bosnia when she learned of a 9-year-old girl named Sidbela Zimic who was killed by a Serbian shell that hit a playground in Sarajevo where Sidbela and three other children were jumping rope. As Power saw it, Sidbela's death resulted from Bosnian Serb genocide of Muslims and the lack of American intervention. The event became the impetus for *A Problem from Hell*, her survey of genocide in the 20th century and of American responses to it. She takes her title from former Secretary of State Warren Christopher's description of the intense hatred between the Bosnians, Serbs, and Croats.

Power leads her readers on a long and often gut-wrenching journey that starts with a 24-year-old Armenian, Soghomon Tehlirian, murdering former Turkish Interior Minister Talaat Pasha on March 14, 1921, to avenge the death of his family. (Pasha had presided over Turkey's "solution" to its Armenian "problem," resulting in the deaths of nearly 1 million Armenians in 1915.) At the time, the concept of genocide did not even exist; the Turkish government's persecution and killing of Armenians was called "race murder" by the U.S. ambassador to the Ottoman Empire, Henry Morgenthau Sr. Power uses the pre-Holocaust Armenian experience to outline a pattern of genocide she sees repeated in Cambodia, Iraq, Rwanda, and Bosnia.

For her, that pattern consists of the following progression:

• Initial warning signs that a regime intends to take action against a specific ethnic group. (In January 1915, *The New York Times* reported Talaat's statement that there was no room for Christians in Turkey, and that their supporters should advise them to leave.)

• The first steps. (In late March, Armenian men serving in the Ottoman army were disarmed.)

• Justification. (The Turkish leadership used the pretext of an Armenian revolutionary uprising and the cover of war to facilitate the eradication of Armenians.)

• Recognition met with disbelief or denial. (British Foreign Secretary Sir Edward Grey cautioned that Britain lacked direct knowledge of massacres and that the massacres were not all on one side.)

• Ineffective response. (The Allied governments declared that they would hold members of the Turkish government personally responsible for the massacres, but there was no intervention.)

The first several chapters of *A Problem from Hell* are devoted to the tireless travails—spanning more than two decades—of Polish legal scholar Raphael Lemkin to invent and legitimize the concept of genocide and to make it a crime under international law. Lemkin's achievement was the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which defined *genocide* as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group the condition of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group; Forcibly transferring children of the group to another group."

It is important to recognize that this legal definition of genocide is very different from the more common dictionary definition, which probably is how most people think of it. *The American Heritage Dictionary* defines *genocide* as "the systematic and planned extermination of an entire national, racial, political, or ethnic group."

Power also chronicles a similar journey by U.S. Sen. William Proxmire (D-Wisc.) to persuade the United States to ratify the genocide

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

convention. On January 11, 1967, Proxmire delivered his first genocide speech on the floor of the Senate. During the following 19 years, he would make over 3,000 speeches on the subject, until the Senate adopted a ratification resolution in February 1986. Full ratification did not occur until October 1988.

The remainder of Power's book can best be described as a series of post-Holocaust case studies: Cambodia, Iraq, Bosnia, Rwanda, and Kosovo. In each instance, Power walks her reader through events and actions that constitute, for her, the pattern of genocide. She does not spare the reader the grim and horrific details: children delivering death blows to the back of the head with a hoe in Cambodia; four small Kurdish girls lying like discarded rag dolls in a stream, victims of Iraqi chemical weapons; Bosnian Muslims forced to watch family members have their throats slit by Serbian paramilitaries; Rwandan men, women, and children hacked to death with machetes in churches where they sought refuge.

Regardless of what one believes about what the United States could have and should have done to stop the killings, Power's book raises vital questions. It deserves the most serious possible response.

When does "genocide" begin? This is a particularly difficult legal issue, because there must be some explicit criteria on which to base a decision to take action, especially U.S. military intervention. But there is no consensus, and probably never can be, on how many people have to be murdered (or, given the broader definition, expelled from their homes) for such acts to be considered genocide. Establishing such a number (or a percentage of the population) would invite perpetrators to kill up to the limit. We are left with determining genocide amorphously: You know it when you see it.

How many people have to be killed to warrant intervention? Is it 100, 1,000, 10,000, or 100,000? Prevention would dictate the earliest possible intervention. But the fewer people killed, the less the evidence of genocide. Does genocide have to have occurred before one can recognize it as such and take action against it?

If genocide can't be adequately defined by the number of people killed, how else are we to know when action should be taken to stop it? Power points out that genocide is just as much about intent as it is about action. But how do you establish the intent to exterminate a group, especially in the absence of action? In the extreme, intervention should be pre-emptive. But does that mean committing military forces and possibly changing a regime based on declarations that may or may not signal intent? When it comes to intervention, genocide presents us with a vast gray area.

Genocide is by definition ethnic. It is about a ruling ethnic group that is unwilling to share the same territory with another (usually minority) ethnic group. One solution would be to separate the different ethnic groups so they don't come into direct contact or conflict. Yet this is in direct opposition to the traditional U.S. approach to such problems, which has focused on "nation building." The goal of such efforts is always to try to get different groups to share power within a prescribed geographic boundary. The latest instance of this is the U.S.-led effort to build a representative, multi-ethnic government in Afghanistan.

Trying to force different peoples to live and govern together, however, may not be a solution. Attempts to build a multi-ethnic Bosnian nation in the wake of Serbian atrocities have simply resulted in a Bosnia-Herzegovina that is divided into Serb, Muslim, and Croat enclaves. The only thing keeping the sides from killing each other is the indefinite presence of several thousand peacekeepers. On the other hand, ethnically "pure" states (or statelets) serve only to draw the distinctions even sharper; if such states become the objective, ethnic groups might engage in genocidal action as a way to hasten their creation.

Herein lies an essential problem in the contemporary discussion of genocide: Genocide is a moral issue, but U.S. intervention using military force should be reserved for protecting vital American national security interests. The temptation to intervene in humanitarian crises on moral grounds is understandable, especially when outrageous crimes are being committed against innocent persons to further political or ideological aims. But giving into that temptation when there are no vital U.S. national security interests at stake is likely to result in exacerbating the very criminality that intervention is intended to resolve. Genocide is the one instance—a rare exception—where U.S. action is warranted, even if U.S. vital interests are not directly threatened.

The problem is that advocates of humanitarian intervention often equate *any* killings of innocents with genocide and sometimes overinflate the numbers to make their case. Power, for instance, claims 200,000 Bosnians were killed, but this number

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is provided by Bosnia's Muslim government and includes *all* Bosnians killed by Serbs, Croats, and Muslims as part of ethnic civil war. According to more reliable sources, such as the Stockholm International Peace Research Institute and the Red Cross, the number of Bosnians killed is estimated to be 55,000 to 75,000—and even these numbers cannot separate out casualties of war vs. mass killings of innocent civilians. As tragic and abhorrent as tens of thousands of deaths are, the hard truth is that such killings neither constitute genocide nor warrant U.S. intervention.

Power acknowledges that U.S. intervention has often helped create the conditions that led to her claims of genocide, but she does not seem to grasp the full implications of that deadly fact. For example, the U.S. supported the Lon Nol regime in Cambodia because it was anti-communist. But it was also corrupt, repressive, and incompetent, fueling support for the Khmer Rouge. Later, concerned about Vietnamese incursion into Cambodia, the U.S. orchestrated a vote in the U.N. Credentials Committee to favor the murderous Khmer Rouge regime. In the case of Iraq, the U.S. sided with and supplied agricultural and manufacturing credits to Saddam Hussein to support his war against the fundamentalist, anti-American regime in Tehran.

Rather than asking the United States to intervene to fix the problems it exacerbated by intervening in the first place, it would be better to break this vicious circle and adopt a less interventionist American foreign policy. While this does not guarantee that ethnic groups will not engage in genocidal actions, neither will constant U.S. intervention. Indeed, the appalling evidence suggests that an interventionist United States is likely to create more problems than it will solve.

Power is critical of "vital American interests, narrowly defined" as an excuse for American inaction against genocide. But the primary concern of U.S. policy must be U.S. interests; the United States cannot and should not be the world's policeman. The Constitution was established for the common defense, not to establish a new world order or to rid the world of evil. American policy makers *must* make decisions about what is vital to U.S. national security and what isn't. If the United States is constantly involved around the world for reasons that are not vital, it could be difficult to muster the necessary political will to act when national interests demand action.

If one knows genocide when one sees it, then Rwanda is a perfect example. Power admits that "no genocide since the Holocaust has been completely black and white," but of all the cases in *A Problem from Hell*, Rwanda is the one unambiguous case of genocide, and presents the strongest argument that the United States *should* have intervened. Although no

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

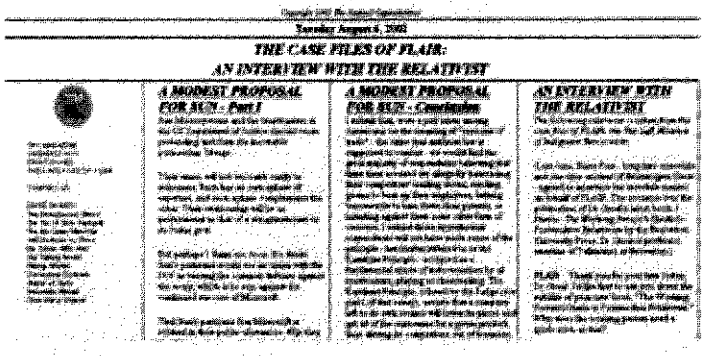
A Hard-To-Fit Size Shouldn't Cramp Your Style!
Finely Crafted Leather Footwear For Men In Sizes 6 to 20 & Widths AAA to EEEEE.
Classic business and casual designs from Italy and the U.S.A.
FREE CATALOG!
1-877-740-9259
code N429V.
E.T. Wright®
An American tradition since 1876

THE RADICAL CAPITALIST™

www.theradicalcapitalist.com

"Rebuilding the towers - or structures better than the originals - does not cheat the heroes of their tribute, it is their tribute. If you want to commemorate the event of the attacks, put a plaque on the side of one of the buildings, and for an inscription write: 'On September 11, 2001, a handful of tent-dwellers thought they could stop this.'"

- The Bin Laden Memorial



THE CASE FILES OF FLAIR:
AN INTERVIEW WITH THE RELATIVIST

A MODEST PROPOSAL FOR SUV - Part I

A MODEST PROPOSAL FOR SUV - Conclusion

AN INTERVIEW WITH THE RELATIVIST

The Radical Capitalist is Published by the Promethean Theatre Co., 305 Madison Ave., Suite 1166, New York, 10165
Dan Roentsch, Editor *droentsch@prometh.com*

U.S. national interest was at stake there, Rwanda presented an unambiguous *moral* imperative.

The killings in Rwanda began almost immediately following the downing of Rwandan President Juvénal Habrayimana's jet on April 6, 1994. Hardline Hutu tribesmen used the incident as a pretext to attack rival Tutsis. The Hutu-controlled army, the gendarmerie, and the militias worked together to round up and kill Tutsi men, women, and children.

This was not a case of ethnic cleansing (expelling an ethnic group to create an ethnically pure enclave) that *might* involve mass killing, which

To prevent another Rwanda, the U.S. must also have the wisdom to avoid another Somalia.

was more what happened in Iraq and Bosnia. Nor was this the same as Pol Pot's killing of fellow Cambodians to eliminate political opponents in the way that communist regimes in the Soviet Union and China had done.

In Rwanda, those Tutsi who tried to flee their homes (ostensibly to seek safety across the border) were snared and butchered at checkpoints. Children of Hutu and Tutsi who had intermarried were categorized as Tutsi and killed. In one instance, a 3-year-old pleaded for his life after seeing his brothers and sisters killed: "Please don't kill me. I'll never be Tutsi again." Power writes that "the killers, unblinking, struck him down." Clearly, the Hutu were engaged in genocide, trying to exterminate the Tutsi systematically. Indeed, lists of victims had been prepared ahead of time. All this took place while a United Nations peace-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

keeping force was stationed in Rwanda's capital, Kigali.

Although it took time to recognize that genocide was occurring and to distinguish the mass killings of Tutsi from the inevitable casualties of Rwandan civil war or even ethnic cleansing, it is hard to imagine a more clear-cut case of genocide and the ensuing moral imperative for the United States to act. Recognizing genocide rests on a confluence of evidence. Mass killing based on ethnicity is clearly a necessary, but not sufficient, condition. That Tutsi were not allowed to flee to safety made it clear that extermination rather than ethnic cleansing was the goal. That the killings were widespread throughout the country, not just in the area surrounding Kigali, is another piece of evidence. But it is no one single thing, and it's evidence accumulated over a period of time (in this case, probably several weeks).

One of the reasons that the U.S. failed to act in Rwanda was the disastrous American military operation in Somalia, not long before, that had resulted in the deaths of 18 Army Rangers. Scarred by a firefight gone bad on a humanitarian intervention mission that was neither vital nor important to U.S. national security interests, U.S. policy makers were paralyzed when it came to taking necessary action in Rwanda. Moreover, American politicians, pundits, and the public expressed little or no interest in Rwanda. Not only was the Pentagon opposed to military action, but there was no constituency expressing outrage. The sad and shameful truth is that American politics and policy would allow the U.S. to become engaged in Bosnia-Herzegovina because it was in Europe, but not in Rwanda because it was in Africa.

In the end, some 500,000 Rwandans were killed in 100 days. The United States should have acted. But the limits of what U.S. intervention can realistically accomplish also need recognition. Writing in the January/February 2000 issue of *Foreign Affairs*, Alan J. Kuperman argues that "although some lives could have been saved by intervention of any size at any point during the genocide, the hard truth is that even a large force deployed immediately upon reports of attempted genocide would not have been able to save even half the ultimate victims."

The rapidity of the Rwanda murders was staggering. The largest number of killings took place within three weeks of President Habrayimana's plane crash (nearly 300,000 Tutsi—almost half the Rwandan Tutsi population—were killed). Even if 5,000 U.S. troops could have prevented the killings (a claim originally made by the U.N. commanding general in Rwanda, Canadian Maj. Gen. Romeo Dallaire), whether they could have been deployed in time is questionable. Moving troops and equipment likely would have taken several weeks (made more difficult by the necessity of an airlift, the slowest way to transport large numbers of troops and equipment).

At best—if the order to deploy had been issued immediately after President Habrayimana's plane crash—those troops would have arrived only after several hundred thousand Tutsi had already been killed. Realistically, such an order would have come a week or two later, after there was irrefutable evidence that genocide was occurring. This is not an excuse for inaction, but simply to highlight the fact that, at least in the case of Rwanda, intervention would not have averted genocide, though it could have saved a great many lives. It also points to the tragic fact that it may not be possible to prevent genocide (because there must be strong evidence that genocide is occurring to warrant intervention) but only that further genocide might be stopped once it has started.

What is the lesson of Rwanda? That the more the U.S. involves itself in every crisis, the more every crisis begins to look the same. Without being able to make clear distinctions between crises—without maintaining political will—it is easier to marginalize and ignore the important ones.

Moreover, U.S. military resources are finite. If stretched too thin by attempting to address the myriad humanitarian crises that continue to erupt, there may not be enough critical military mass to take action when true genocide is occurring.

Indeed, the more narrowly the United States defines its national security interests, and the less engaged and entangled U.S. foreign policy is with nonvital interests around the world, the more likely that genocide will be quickly recognized and forcefully targeted.

That is exactly the point of Power's compelling narrative: The horror and tragedy of genocide is a moral issue that transcends national interest. But to prevent another Rwanda, the United States must also have the wisdom to avoid another Somalia. ▪

Charles Peña (cpena@cato.org) is senior defense policy analyst for the Cato Institute.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Secret History of Television

Corporate power, patent law, and lone inventors

Jesse Walker

HERE'S A STORY for you. Inspiration strikes a Mormon farmboy, the improbably named Philo T. Farnsworth, as he plows a potato field in Idaho. Armed with his new insight, he moves to L.A., finds investors and assistants, and on a shoestring invents television. A corporate giant tries to steal his creation, and a long, expensive legal fight ensues. Farnsworth wins the battle but loses the war, successfully defending his claim to the patent but nonetheless watching most of the credit—and most of the profits—accrue to the Radio Corporation of America (RCA) and its self-aggrandizing chief, David Sarnoff. Farnsworth spends his last years chasing the dream of nuclear fusion, then dies poor, depressed, and virtually forgotten.

It's not a bad tale. Drain out the melodrama and sprinkle in some nuance, and you'll find it's actually true. The saga of Philo Farnsworth may have a special resonance in the dot-bust era, as battles rage over intellectual property and corporate turpitude dominates the headlines. Or perhaps it's just a coincidence that two books about Farnsworth have been published this year: Evan Schwartz's *The Last Lone Inventor: A Tale of Genius, Deceit, and the Birth of Television* (HarperCollins) and Daniel Stashower's *The Boy Genius and the Mogul: The Untold Story of Television* (Broadway).

Either way, Farnsworth is reentering the inventor-hero pantheon. If he hasn't yet attained the stature of an Edison or a Tesla, he's still better known than, say, Nathan Stubblefield, radio's most forgotten founding father.

Farnsworth has even inspired a small backlash, spearheaded by the contrarian journalist Malcolm Gladwell. Writing in the May 27 *New Yorker*, Gladwell argues that Farnsworth's struggles with Sarnoff "are less straightforward than the clichés of the doomed inventor and the villainous mogul might suggest. Philo Farnsworth's travails make a rather strong case *for* big corporations, not against them."

Gladwell's argument is clever, accurate in its details, and ultimately silly.

He notes that, as an independent inventor backed with a fairly small stake, Farnsworth could not take advantage of the division of labor available to those on a corporate payroll. He had to be not just a scientist, but a manager, promoter, politician, and more—and the only one of those fields that he excelled at was the science. The result was constant uncertainty and frustration.

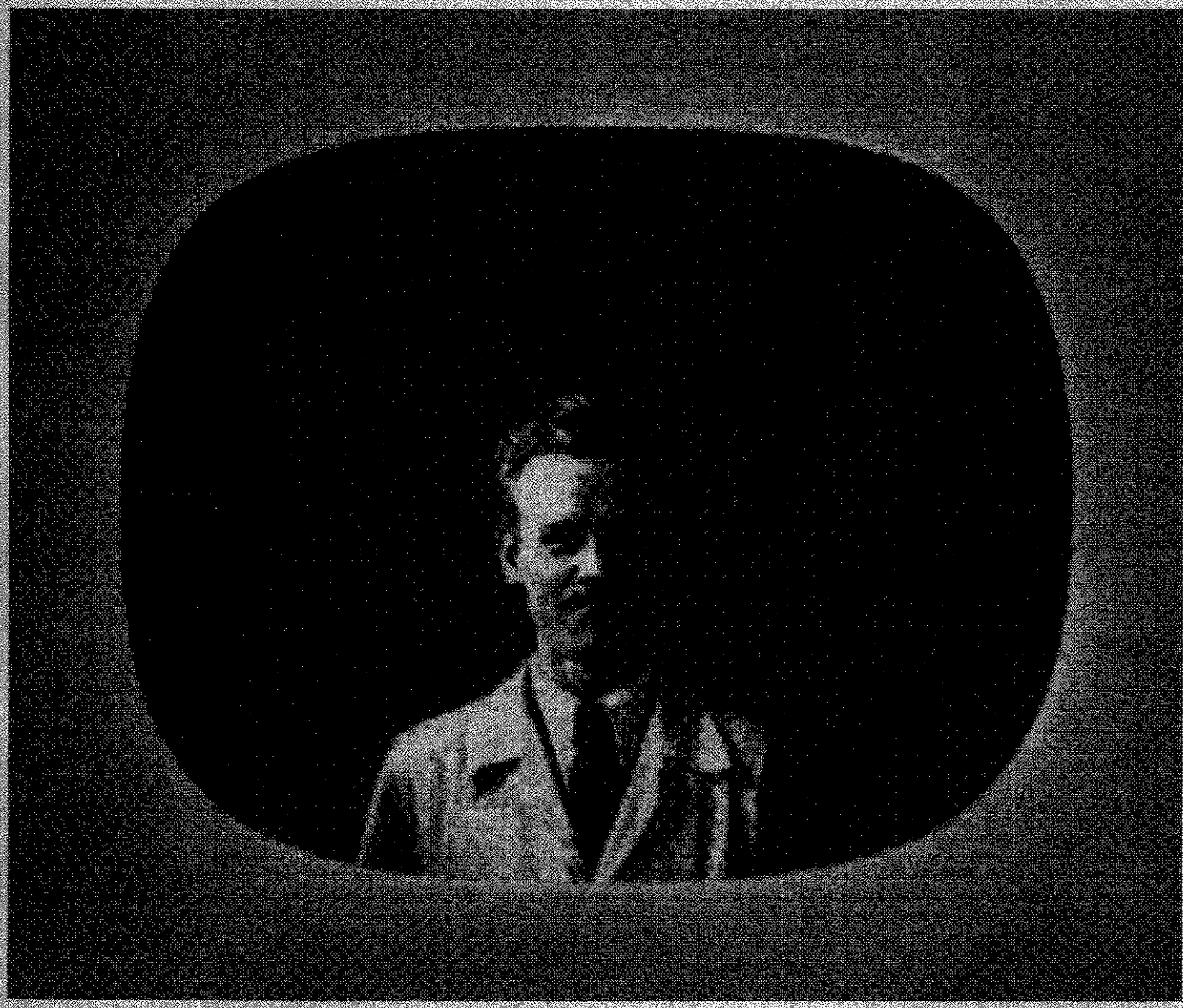
Gladwell further emphasizes that television, like other complex inventions, was not created by one man alone. Farnsworth was building on other people's discoveries, just as others built on his. One advantage to big corporations is that they pool the work—and, more important, the patents—of disparate researchers, preventing "legal and commercial gridlock."

What should we make of these arguments? Well, it's true that the advantages of the division of labor should not be lightly dismissed. Yet many small businesses and self-employed workers simply contract for such services, without becoming a corporate subsidiary or employee. Employment may have its advantages, but so does the alternative. As the leftist historian David Noble notes in his 1977 book *America by Design*, signing on with a big corporation "eliminated the problem of lawsuits, and in addition provided well-equipped laboratories, libraries, and technical assistance for research. The nature of their actual work, however, had changed." Formerly independent inventors had less say in what they would investigate and less room to follow their serendipitous discoveries. Management dictated the agenda.

If Farnsworth was, in Schwartz's exaggerated phrase, "the last lone inventor," it was not because tinkerers no longer preferred the freedom of working alone to the security of working for a large organization. It was because the legal environment had changed in a way that made that freedom more precarious.

Which leads us to Gladwell's second argument. As he notes, a horde of competing patent monopolies can create a serious bottleneck. On the other hand, assembling those monopolies in a single spot can do the same thing. General Electric, RCA, and other companies deliberately acquired patents to block competition, an end run around antitrust law that evaded serious judicial scrutiny until mid-century. Noble quotes J.E. Otterson of the Western Electric Company, AT&T's manufacturing subsidiary, who in a 1927 memo outlined Ma Bell's strategy to "maintain an active offensive in the 'no man's land' lying between it and potentially competitive interests....

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED.



Ability to stop the owner of a fundamental and controlling patent from realizing the full fruits of his patent by ownership of necessary second patents may easily put one in position to trade where money alone may be of little battle."

In Noble's words, "Lone inventors could either try to fight for their rights within 'no man's land' or join the dominant forces which occupied the fields around it." Gladwell gives those "dominant forces" credit for being an alternative to the battleground, but he apparently absolves them of blame for creating the war zone in the first place.

Farnsworth is a footnote to history, but the issues his case raises are not. Consider the Texas programmer Evan Brown, who dreamed up a procedure to translate old computer code into new languages and has spent the last six years fighting for the rights to it. Because Brown worked on the idea while DSC Communications was his employer, the company (now owned by the French telecom group Alcatel) claims the rights to it, as per the contract Brown signed when he joined the firm. Brown replies that he first conceived the idea years before he went to work for DSC, that he worked on it during his own time, that it had no relation to his job at DSC, and, most important, that he didn't write it down until after he left the company's employ.

The ultimate problem may be with the concept that ideas are "things" to be "owned" in the first place. Such a suggestion may be cold comfort to Farnsworth and Brown, but it's positively frightening to RCA and Alcatel.

Associate Editor Jesse Walker (jwalker@reason.com) is the author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Great Stone Face

Charles Paul Freund

QUICK NOW, WHICH is more deplorable: the destruction of mountain-size carvings that are very old, or the creation of giant new sculpture? Just as the Taliban were detonating Afghanistan's ancient Buddhas, spreading worldwide dismay, plans were hatched to carve a 250-foot face of Alexander the Great on a granite outcropping in Greece, spreading considerable alarm.

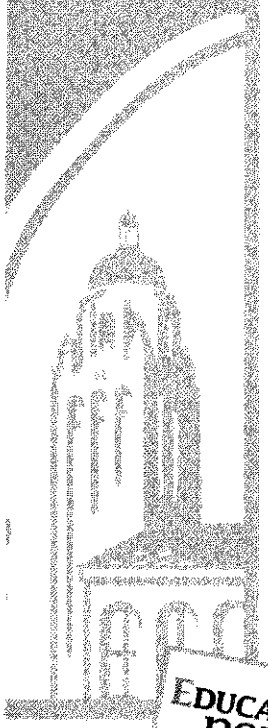
The Alexander project would create the world's biggest stone face. The brainchild of Greek sculptor Anastasios Papadopoulos, the work is being underwritten by Greek Americans. According to the sculptor's Alexandros Foundation, "the project will respect and conform to the archaeological, historical, and cultural dimensions of Alexander's philosophy," whatever that means. Still, the prospect of such a work—set to begin in November—has horrified environmentalists, archaeologists, politicians, antiquity bureaucrats, and everyone in Yugoslavian Macedonia who believes Alexander wasn't Greek but Balkan.

A major complaint against the face is that it's kitsch. But outsize works from the Sphinx to Mt. Rushmore have all been more impressive for scale than for grace; even the lamented Buddhas used to be dismissed as merely "grotesque." Scale, like age, emphasizes how elastic the meaning of a work can be, changing for different people at different times. Meaning's never set in stone. ▯

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Teacher Union Power Is Awesomely Arrogant

Paul E. Peterson is director of the Program on Education Policy and Governance, Harvard University; senior fellow, Hoover Institution; and member, Hoover's Koret Task Force on K-12 Education.



Paid for by the Hoover Institution, Stanford University.

In New York City, the American Federation of Teachers (AFT) is fighting efforts to restore order to schools. The school board wants teachers to supervise hallways, lunchrooms, and playgrounds because costly but ineffectual "paraprofessionals" don't command respect. But union leaders refuse to cooperate, even though their members work less than four hours a day.

In California, the National Education Association (NEA) is demanding control of school curricula. In Massachusetts, the NEA has fought teacher competency tests clear to the state supreme court. Elsewhere, the AFT and NEA are preventing the formation of union-free charter schools.

As private sector unionism has waned, the NEA and AFT have become the most powerful labor combination in America. They contribute millions to Democratic and Republican candidates for office. Teachers also constitute as many as a quarter of the delegates to the national Democratic conventions. In school board and school bond elections, teachers outvote citizens by large margins. In a bond referendum in Huntington Beach, California, 93 percent of the teachers voted, according to a Stanford study, though overall turnout was 19 percent; in nearby Santa Ana, 88 percent of the teachers voted, as compared to 23 percent of all registrants.

Yet for all this political influence, unions do not protect the earnings of the many good, hardworking teachers. In 1940, female teachers made better than 60 percent of that earned by average college-educated women; by 1990, they were earning 40 percent. Among males, salaries slipped from 52 to 33 percent of the college-educated average.

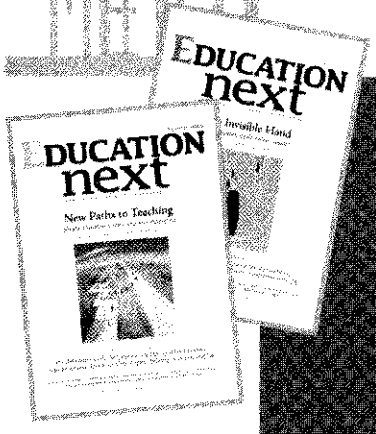
As pay has fallen, so has teacher quality. According to the Department of Labor, 50 percent of women entering teaching in the 1970s received high scores on an educational achievement test. Twenty years later, high-scoring female teachers constituted 10 percent of the total. For male teachers, the drop in high scorers was from 20 to 10 percent.

So what's gone wrong? Powerful unions should be fighting for wages that attract the best and the brightest. Part of the problem is insistence on uniform pay, whereby leaders resist attempts to reward teachers of special merit or pay more for those who have skills that are in short supply. More money is given only to those teachers with years of experience or added credentials. Because teacher effectiveness generally declines after five years, and teacher credentials have been proven meaningless, a disconnect exists between service rendered and compensation received. Thus, it makes little sense to pay employees more.

School boards and unions also take the line of least resistance by handing out more rights and less work rather than increasing teachers pay. Indeed, it was to keep wage demands down that the New York school board agreed to give hallway supervision to the paraprofessionals.

Moreover, ineffectual teachers make for loyal union members. And when ineffective teachers abound, more are needed: the ratio of pupils to teachers nationwide plunged from twenty-two to seventeen between 1970 and 1995. More teachers, more dues, more campaign contributions, more power, more rights—lower performance. No wonder lawmakers are beginning to talk accountability.

— *Paul E. Peterson*



Interested in cutting-edge ideas about K-12 education?

Subscribe to *Education Next: A Journal of Opinion and Research.*
Visit us on-line at www.educationnext.org or contact us to receive a complimentary copy.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MINIMIZE YOUR TAXES.
MAXIMIZE YOUR CHARITABLE IMPACT.

With DonorsTrust, you have even more options than you might imagine.

For instance, you don't have to make hasty charitable decisions to meet the December 31 deadline. When you open a donor-advised account with DonorsTrust, you immediately get the highest charitable tax deduction allowed by law. If you give appreciated assets, you won't pay any capital gains taxes. Later, as you decide which charitable organizations best fit your philanthropic goals, you can request disbursements from your account.

Our mission at DonorsTrust is to support only those public charities that promote liberty through limited government, personal responsibility, and free enterprise. If that reflects your intent as a donor, you won't find a more reliable ally. "Trust" isn't just part of our name; it's our commitment to respect your charitable intent.

Ask us about our wide variety of funds and foundation-style services. They're all designed to give you convenient, flexible options for reducing your taxes while defending America's priceless liberty.

Smart giving.
Convenient giving.
Principled giving.

For more details, visit our Web site or call us for a free informational brochure.

DonorsTrust
BUILDING A LEGACY OF LIBERTY

703.535.3563 | www.donorstrust.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED